

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM  
2223 E. WELLINGTON AVENUE, SUITE 100  
SANTA ANA, CALIFORNIA 92701**

**GOVERNANCE COMMITTEE MEETING  
May 7, 2026  
9:30 A.M.**

**Members of the Committee**

Iriss Barriga, Chair  
Charles Packard, Vice-Chair  
Shari Freidenrich  
Roger Hilton

**Members of the public who wish to observe and/or participate in the meeting may do so (1) from the OCERS Boardroom or (2) via the Zoom app or telephone (information below) from any location.**

<b>OCERS Zoom Video/Teleconference Information</b>	
<b>Join Using Zoom App (Video &amp; Audio)</b>  <a href="https://ocers.zoom.us/j/87189122328">https://ocers.zoom.us/j/87189122328</a>  <b>Meeting ID: 871 8912 2328</b> <b>Passcode: 076188</b>  Go to <a href="https://www.zoom.us/download">https://www.zoom.us/download</a> to download Zoom app before meeting Go to <a href="https://zoom.us">https://zoom.us</a> to connect online using any browser.	<b>Join by Telephone (Audio Only)</b> Dial by your location +1 669 900 6833 US (San Jose) +1 346 248 7799 US (Houston) +1 253 215 8782 US +1 301 715 8592 US +1 312 626 6799 US (Chicago) +1 929 436 2866 US (New York)  <b>Meeting ID: 871 8912 2328</b> <b>Passcode: 076188</b>
A <a href="#">Zoom Meeting Participant Guide</a> is available on OCERS website <a href="#">Board &amp; Committee meetings page</a>	

**AGENDA**

This agenda contains a brief general description of each item to be considered. The Committee may take action on any item included in the agenda; however, except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. The Committee may consider matters included on the agenda in any order, and not necessarily in the order listed.

**OPEN SESSION**

- 1. CALL MEETING TO ORDER AND ROLL CALL**
- 2. BOARD MEMBER STATEMENT REGARDING PARTICIPATION VIA ZOOM (IF NECESSARY)  
(Government Code section 54953(f))**
- 3. PUBLIC COMMENTS**

**Members of the public who wish to provide comment during the meeting may do so by “raising your hand” in the Zoom app, or if joining by telephone, by pressing \* 9 on your telephone keypad. Members of the public who participate in the meeting from the OCERS Boardroom and who wish to provide comment during the meeting may do so from the podium located in the OCERS Boardroom.** When addressing the Committee, please state your name for the record prior to providing your comments. Speakers will be limited to three (3) minutes.

At this time, members of the public may comment on (1) matters not included on the agenda, provided that the matter is within the subject matter jurisdiction of the Committee; and (2) any matter appearing on the Consent Agenda.

In addition, public comment on matters listed on this agenda will be taken at the time the item is addressed.

### **CONSENT AGENDA**

#### **C-1 GOVERNANCE COMMITTEE MEETING MINUTES**

Governance Committee Meeting Minutes

March 19, 2026

**Recommendation:** Approve minutes.

### **ACTION ITEMS**

**NOTE:** Public comment on matters listed in this agenda will be taken at the time the item is addressed, prior to the Committee’s discussion of the item. **Persons attending the meeting in person and wishing to provide comment on a matter listed on the agenda should fill out a speaker card located at the back of the Boardroom and deposit it in the Recording Secretary’s box located near the back counter.**

#### **A-1 INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA**

#### **A-2 ADOPTION OF THE EMPLOYER DATA POLICY**

*Presentation by Mark Adviento, Director of Member Services; Manuel Serpa, General Counsel*

**Recommendation:** Approve and recommend that the Board adopt the Employer Data Policy.

#### **A-3 TRIENNIAL REVIEW OF THE PUBLIC RECORDS AND DATA REQUEST POLICY**

*Presentation by Manuel Serpa, General Counsel*

**Recommendation:** Approve and recommend that the Board adopt the revisions to the Public Records and Data Request Policy.

#### **A-4 TRIENNIAL REVIEW OF THE RULES OF PARLIAMENTARY PROCEDURE POLICY**

*Presentation by Steve Delaney, CEO; Manuel Serpa, General Counsel*

**Recommendation:** Approve and recommend that the Board adopt the revisions to the

Parliamentary Rules of Procedure Policy.

**A-5 TRIENNIAL REVIEW OF THE ELECTION PROCEDURES POLICY**

*Presentation by Manuel Serpa, General Counsel; Cynthia Hockless, Director of HR*

**Recommendation:** Approve and recommend that the Board adopt the revisions to the Election Procedures Policy.

**A-6 TRIENNIAL REVIEW OF THE CEO CHARTER**

*Presentation by Steve Delaney, CEO*

**Recommendation:** Approve and recommend that the Board adopt the CEO Charter with no revisions.

**A-7 REVIEW OF THE OAP ON RECIPROCITY**

*Presentation by Joon Kim, Staff Attorney*

**Recommendation:** Approve and recommend that the Board adopt revisions to the OCERS Administrative Procedure (OAP) regarding Reciprocity.

**COMMITTEE MEMBER COMMENTS**

**CHIEF EXECUTIVE OFFICER/STAFF COMMENTS**

**COUNSEL COMMENTS**

**ADJOURNMENT**

**NOTICE OF NEXT MEETINGS**

**DISABILITY COMMITTEE MEETING  
May 18, 2026  
8:30 A.M.**

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM  
2223 E. WELLINGTON AVENUE, SUITE 100  
SANTA ANA, CA 92701**

**REGULAR BOARD MEETING  
May 18, 2026  
9:30 A.M.**

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM  
2223 E. WELLINGTON AVENUE, SUITE 100  
SANTA ANA, CA 92701**

**INVESTMENT COMMITTEE MEETING**

**May 27, 2026  
9:30 A.M.**

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM  
2223 E. WELLINGTON AVENUE, SUITE 100  
SANTA ANA, CA 92701**

*AVAILABILITY OF AGENDA MATERIALS - Documents and other materials that are non-exempt public records distributed to all or a majority of the members of the OCERS Board or Committee of the Board in connection with a matter subject to discussion or consideration at an open meeting of the Board or Committee of the Board are available at the OCERS' website: <https://www.ocers.org/board-committee-meetings>. If such materials are distributed to members of the Board or Committee of the Board less than 72 hours prior to the meeting, they will be made available on the OCERS' website at the same time as they are distributed to the Board or Committee members. Non-exempt materials distributed during an open meeting of the Board or Committee of the Board will be made available on the OCERS' website as soon as practicable and will be available promptly upon request.*

It is OCERS' intention to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or participant at this meeting, you will need any special assistance beyond that normally provided, OCERS will attempt to accommodate your needs in a reasonable manner. Please contact OCERS via email at [adminsupport@ocers.org](mailto:adminsupport@ocers.org) or call 714-558-6200 as soon as possible prior to the meeting to tell us about your needs and to determine if accommodation is feasible. We would appreciate at least 48 hours' notice, if possible. Please also advise us if you plan to attend meetings on a regular basis.

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM  
2223 E. WELLINGTON AVENUE, SUITE 100  
SANTA ANA, CALIFORNIA 92701**

**GOVERNANCE COMMITTEE MEETING  
Thursday, March 19, 2026  
9:30 A.M.**

**MINUTES**

The Chair called the meeting to order at 9:32 a.m.

Recording Secretary administered the Roll Call attendance.

Attendance was as follows:

Present: Iriss Barriga, Chair; Charles Packard, Vice-Chair; and Roger Hilton, Board Member.

Absent: Shari Freidenrich, Board Member.

Also present: Manuel Serpa, General Counsel; Steve Delaney, CEO; Brenda Shott, Assistant CEO, Internal Operations; Mark Adviento, Director of Member Services; Maytak Chin, Fiduciary Counsel; Anthony Beltran, Audio Visual Technician; and Rebeca Gonzalez-Verdugo, Recording Secretary.

**CONSENT AGENDA**

**C-1 APPROVE GOVERNANCE COMMITTEE MEETING MINUTES**

Governance Committee Meeting Minutes

November 20, 2025

**MOTION** by Mr. Hilton, **seconded** by Mr. Packard, to approve the Minutes.

The motion passed **unanimously**.

**ACTION ITEMS**

**A-1 INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA**

No items were trailed from the Consent Agenda.

**A-2 TRIENNIAL REVIEW OF THE PROTOCOL FOR HANDLING WORKPLACE COMPLAINTS AGAINST BOARD MEMBERS**

*Presentation by Manuel Serpa, General Counsel*

**Recommendation:** Approve and recommend that the Board adopt revisions to the Protocol for Handling Workplace Complaints Against Board Members.

**MOTION** by Mr. Hilton, **seconded** by Mr. Packard, to adopt staff’s recommendations.

The motion passed **unanimously**.

**A-3 TRIENNIAL REVIEW OF THE COMMUNICATIONS POLICY**

*Presentation by Manuel Serpa, General Counsel*

**Recommendation:** Approve and recommend that the Board adopt the revisions to the Communications Policy.

**MOTION** by Mr. Packard, **seconded** by Mr. Hilton, to adopt staff’s recommendations.

The motion passed **unanimously**.

**A-4 TRIENNIAL REVIEW OF THE QUIET PERIOD POLICY**

*Presentation by Brenda Shott, Assistant CEO, Finance and Internal Operations, and Manuel Serpa, General Counsel*

**Recommendation:** Approve and recommend that the Board adopt the revisions to the Quiet Period Policy.

**MOTION** by Mr. Packard, **seconded** by Mr. Hilton, to adopt staff’s recommendations.

The motion passed **unanimously**.

**A-5 TRIENNIAL REVIEW OF GOVERNANCE COMMITTEE CHARTER**

*Presentation by Steve Delaney, CEO, and Manuel Serpa, General Counsel*

**Recommendation:** Approve and recommend that the Board adopt the Governance Committee Charter with no revisions.

**MOTION** by Mr. Hilton, **seconded** by Mr. Packard, to adopt staff’s recommendations.

The motion passed **unanimously**.

**A-6 TRIENNIAL REVIEW OF THE SACRS VOTING AUTHORITY POLICY**

*Presentation by Manuel Serpa, General Counsel*

**Recommendation:** Approve and recommend that the Board adopt the revisions to the SACRS Voting Authority Policy.

**MOTION** by Mr. Hilton, **seconded** by Mr. Packard, to adopt staff’s recommendations.

The motion passed **unanimously**.

**A-7 OFF-CYCLE REVIEW OF THE VERIFICATION OAP**

*Presentation by Manuel Serpa, General Counsel*

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**Recommendation:** Approve and recommend that the Board adopt revisions to the OCERS Administrative Procedure (OAP) on Verification.

**MOTION** by Mr. Packard, **seconded** by Mr. Hilton, to adopt staff’s recommendations.

The motion passed **unanimously**.

**INFORMATION ITEMS**

**I-1 GOVERNANCE COMMITTEE WORK PLAN AND MEETING SCHEDULE FOR 2026**

*Presentation by Manuel Serpa, General Counsel*

Mr. Serpa informed the Committee of the schedule and work plan for the year.

**I-2 UPDATE ON THE EMPLOYER DATA POLICY**

*Presentation by Mark Adviento, Director of Member Services*

Mr. Adviento provided an informational update on the draft Employer Data Policy, including a brief overview of the Employer Data Readiness Snapshot table in the memorandum. Staff will return in May 2026 for review and approval.

Mr. Serpa noted that the policy was forwarded to County Counsel, who has been informed of the plan to present it at the Governance Committee meeting in May. All Employers are invited to offer direct feedback at that meeting and may also provide comments to staff in advance.

**COMMITTEE MEMBER COMMENTS**

**CHIEF EXECUTIVE OFFICER/STAFF COMMENTS**

**COUNSEL COMMENTS**

**ADJOURNMENT**

Chair adjourned meeting at 10:14 a.m.

**Submitted by:**

**Approved by:**

\_\_\_\_\_  
Manuel Serpa  
General Counsel/Staff Liaison

\_\_\_\_\_  
Steve Delaney  
Chief Executive Officer/Secretary

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Iriss Barriga  
Chair



## Memorandum

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**DATE:** May 7, 2026  
**TO:** Members of the Governance Committee  
**FROM:** Mark Adviento, Director of Member Services; Will Tsao, Assistant CEO, External Operations; Manuel D. Serpa, General Counsel  
**SUBJECT:** **ADOPTION OF THE EMPLOYER DATA POLICY**

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### Recommendation

Approve and recommend that the Board adopt the Employer Data Policy.

### Executive Summary

The proposed Employer Data Policy establishes a formal governance framework for employer data reporting obligations, progressive enforcement mechanisms for non-compliance, and a three-year implementation timeline before potential fees may be assessed. Key provisions include:

- Codifies existing employer reporting requirements under CERL and PEPRA
- Implements quarterly "snapshot" methodology with two-pay-period cure windows before fee assessment for transmittal exceptions
- Establishes fee schedule ranging from \$2,500 to \$25,000 per quarter for sustained data quality failures exceeding 3% error threshold
- Provides employer appeal rights to the Board for all fee assessments
- Delays fee implementation until 2028 (third year after adoption), allowing employers time to improve systems and processes

The policy reflects extensive stakeholder engagement, including review by the Governance Committee, employer outreach, and County coordination.

### Discussion

OCERS relies on timely, complete, and accurate data from Participating Employers to carry out its fiduciary responsibilities, including benefit administration, contribution accounting, actuarial reporting, and compliance with applicable provisions of the County Employees' Retirement Law (CERL) and the Public Employees' Pension Reform Act (PEPRA).

The proposed Employer Data Policy formalizes OCERS' employer data reporting expectations within a Board-adopted governance framework. While employer reporting requirements have long existed operationally, this policy consolidates and codifies those expectations to support consistency and Board oversight.

### Background

As part of its development, drafts of the Employer Data Policy were reviewed with the Governance Committee across multiple meetings in 2024 and 2025 to support refinement and were shared most recently as an informational item in March 2026. In addition, OCERS undertook the following policy development and outreach efforts:

- **Employer outreach:** OCERS conducted outreach to Participating Employers to support awareness and transparency, including a formal presentation and discussion of the Employer Data Policy at the March 3, 2026, OCERS All Employer Meeting. OCERS General Counsel has also shared the drafts of the Employer Data Policy with County Counsel.
- **Ongoing County coordination:** The policy was also discussed during regular coordination meetings with the County of Orange, including a County update meeting held on April 8, 2026, recognizing the County's role as OCERS' largest Participating Employer.

Consistent with prior Governance Committee input, the policy provides for a phased implementation of potential administrative fees over a three-year period.

### **Policy Rationale**

While Employer reporting obligations have long existed under CERL and have been communicated operationally through the Employer Handbook, formal Board adoption of this policy serves several important purposes:

1. **Governance Framework:** Establishes clear, Board-adopted standards subject to regular review rather than relying solely on administrative guidance
2. **Enforcement Tools:** Provides CERL-authorized mechanisms to address chronic data quality issues that impact member service, actuarial accuracy, and OCERS operational efficiency
3. **Transparency and Due Process:** Codifies employer responsibilities, consequences of non-compliance, remediation opportunities, and appeal rights in a single, comprehensive policy
4. **Fiduciary Alignment:** Ensures OCERS has the tools needed to fulfill its fiduciary obligations for accurate benefit calculations, timely member account crediting, reliable actuarial reporting, and CERL/PEPRA compliance

The goal of the new Employer Data Policy is to clarify the roles and responsibilities of OCERS and its Employers to facilitate the accurate exchange of the data elements required for OCERS to perform its function of administering the retirement system. The policy also outlines the actions OCERS will take, as authorized by the CERL, in response to insufficient, inaccurate, or untimely data from Employers.

Most importantly, the policy states that Participating Employers are required to timely certify and transmit complete and accurate Employer Data to OCERS on a pay period basis in accordance with the CERL, PEPRA, the OCERS Compensation Earnable and Pensionable Compensation Policies, and the Employer Data Policy.

### **Overview**

The policy states that Employers must submit Employer Data to OCERS bi-weekly in accordance with the schedule outlined in the OCERS Employer Handbook, which sets forth the data transfer requirements and processes. They must also notify OCERS of changes to any elements that could affect members or pension calculation, and any payroll system change.

The potential for OCERS to charge Employers for costs incurred due to their failure to submit timely, complete, and accurate data is set forth in Paragraphs 13-19 of the policy. The potential administrative fees in the event of significant and continued preventable errors related to transmittals and contribution payments are described in Paragraph 13 and are authorized by Gov. Code, §§ 31580.1 and 31542.5:

#### **§ 31580.1 Contribution from districts; costs of administering retirement system; penalty assessments for delinquencies**

The board may include each year in the contribution required of a district a reasonable amount, which may differ from district to district, to cover the costs of administering its retirement system as such costs affect the active and retired employees of that district. The board may also assess a district a reasonable amount to cover costs incurred because of the district's failure to submit reports and forward contributions on a timely basis.

Gov. Code, § 31580.1

**§31542.5. Pay period for compensation reported to board; failure of county or district to report compensation**

(a) When a county or district reports compensation to the board, it shall identify the pay period in which the compensation was earned regardless of when it was reported or paid. Compensation shall be reported in accordance with Section 31461 and shall not exceed compensation earnable, as defined in Section 31461.

(b) The board may assess a county or district a reasonable amount to cover the cost of audit, adjustment, or correction, if it determines that a county or district knowingly failed to comply with subdivision (a). A county or district shall be found to have knowingly failed to comply with subdivision (a) if the board determines that either of the following applies:

(1) The county or district knew or should have known that the compensation reported was not compensation earnable, as defined in Section 31461.

(2) The county or district failed to identify the pay period in which compensation earnable was earned, as required by this section.

(c) A county or district shall not pass on to an employee any costs assessed pursuant to subdivision (b).

Gov. Code, § 31542.5

Any fee assessment will be considered only after full implementation of the Employer Handbook and in accordance with the Fee Schedule attached to the policy. Assuming Board adoption in 2026, fee assessment will become operative in 2028 (the third year following adoption), as detailed in the Fee Schedule timeline.

Paragraph 14 states that the Board adopts the attached Fee Schedule and delegates to the Chief Executive Officer (CEO) or their designee the authority to assess any other fees or costs authorized under this policy. It also provides an Employer the option to appeal any fee assessment to the Board.

Paragraph 15 addresses that OCERS may assess an amount to cover costs when an Employer fails to submit data timely or when OCERS is required to audit or correct information when an Employer knowingly fails to report compensation by pay period, as authorized by Gov. Code, §31542.5.

OCERS will calculate these costs by measuring the labor costs for OCERS staff to analyze, assist in resolving, and communicate outcomes to the Employer regarding the applicable issue.

Paragraphs 16 and 17 address Transmittal File errors, significant Transmittal Exceptions, and payment discrepancies. Paragraph 18 addresses interest penalties on late contribution payments. This provision includes an option for the Employer to request that the Board reduce or remove an interest penalty.

A Fee Schedule is included as an Appendix to the policy. It includes a fee table for payroll transmittal exceptions, which may apply after the Employer is provided the opportunity to cure the exceptions:

- a. 11–50 Payroll Transmittal Exceptions (over 3% of total): \$2,500
- b. 51–100 Payroll Transmittal Exceptions (over 3% of total): \$6,500

- c. 101–150 Payroll Transmittal Exceptions (over 3% of total): \$10,500
- d. 151–200 Payroll Transmittal Exceptions (over 3% of total): \$15,000
- e. 200+ Payroll Transmittal Exceptions (over 3% of total): \$25,000

These fees would be assessed for each non-compliant quarter until the Employer achieves the required compliance rate.

The Fee Schedule employs a quarterly "snapshot" review process designed to provide employers with clear measurement dates and defined cure opportunities:

1. **Quarterly Snapshot:** At the end of each calendar quarter (March 31, June 30, September 30, December 31), OCERS takes a snapshot of all unresolved payroll transmittal exceptions in the employer's account.
2. **Cure Window:** Following the snapshot, OCERS provides the employer with a snapshot exception report and two full pay periods to resolve the identified exceptions.
3. **Assessment Date:** After the two-pay-period cure window, OCERS determines which snapshot exceptions remain unresolved. Only exceptions that existed at the snapshot and remain unresolved after the cure window count toward the fee determination.
4. **Ongoing Opportunity:** Exceptions created after the snapshot date are excluded from the current quarter's fee calculation and will be evaluated in the subsequent quarter if still unresolved, providing employers a continuous opportunity to remediate issues.

Please find a copy of the Employer Data Policy and its Appendix attached for your review.

Attachments

**Submitted by:**



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Mark Adviento  
Director of Member Services

**Submitted by:**



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Will Tsao  
Assistant CEO, External Operations

**Submitted by:**



MDS-Approved

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Manuel D. Serpa  
General Counsel



## OCERS Board Policy Employer Data Policy

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### Purpose and Objective

1. The Orange County Employees Retirement System (OCERS) requires the timely submission of detailed information from its Participating Employers (Employers) to fulfill its responsibilities in administering the retirement system. This policy states the information and data that OCERS requires from its Participating Employers to help them fulfill their responsibilities under the County Employees Retirement Law (CERL), as amended by the Public Employees' Pension Reform Act (PEPRA). These laws establish the fundamental obligations of Participating Employers and employee members. The policy's objective is to clarify the roles and responsibilities of OCERS and its Employers to facilitate the accurate exchange of the data elements required for OCERS to perform its function, including benefit calculation and payment. The policy also outlines the actions OCERS will take in response to insufficient, inaccurate, or untimely data from Employers.

### Policy Guidelines

#### 2. *Definitions*<sup>1</sup>

**Grade or Classification:** Groups of similarly situated employees with the same OCERS' benefit structure in the same grade or classification as set by the Participating Employer.

**Benefit:** A payment to a participant (Member or Beneficiary) for retirement or death from OCERS.

**Employee Contributions:** Contributions towards retirement that are deducted by the employer from each member's compensation based on the employee's contribution rate and forwarded to OCERS to fund the normal cost associated with the member's retirement benefits from OCERS, as defined under the CERL and PEPRA.

**Employer Contributions:** Contributions by the Participating Employers paid to fund the employer's portion of normal costs associated with their employees' retirement benefits from OCERS, as defined under the CERL and PEPRA.

**Employer Data:** Gross base salary, approved pay codes for pay items determined as compensation earnable as approved by the OCERS Board of Retirement (Board), hours worked, expected hours, and employer/employee contributions based upon the rates set by the Board for pensionable pay items and salary, any additional negotiated contributions between the Employer and employees, and any other required data elements as designated in the Employer Handbook.

**Employer Handbook:** Employer Self Service (ESS) Portal User Guide located on the ESS Portal.

**Employment Status:** The employment status of an OCERS member as reported by the Employer. This includes Active or Active on Leave and separated with a separation date.

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<sup>1</sup> Terms are defined here for ease of reference and are intended to remain consistent with their definition under OCERS Compensation Earnable and Pensionable Compensation Policies.



## OCERS Board Policy Employer Data Policy

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**Member:** An employee who is a member of the OCERS Plan and is eligible to accrue benefits in OCERS.

**Participating Employer or Employer:** Orange County or any contracting agency or district employing or representing an employee who is a member of OCERS. Participating Employer is synonymous with "Plan Sponsor."

**Pay Period:** Monthly or biweekly payroll period.

**Payroll Transmittal Exception:** An exception in the Transmittal due to missing, incorrect, or incomplete information required to be included by the Employer, per the Employer Handbook.

**Pensionable Pay Items:** Items of pay that are pensionable and that will be considered in calculating normal cost contributions owed by the member and Participating Employer, and for which the Participating Employer will report contributions.

**Pensionable Salary:** The amount of an employee's salary on which expected normal cost contributions will be calculated and for which the Participating Employer will report contributions.

**Transmittal File or Transmittal:** A Participating Employer's regular payroll report of Employer Data.

### Roles and Responsibilities

#### *OCERS*

3. OCERS uses information received from Participating Employers to, among other things, update its information on members in its pension administration system, compute benefit estimates, perform benefit calculations, establish official termination dates, process refunds of contributions, and update member account balances. OCERS must accurately account for all Employer Data it receives, transmit that data to its actuary, and timely communicate with Employers regarding plan liabilities.
4. OCERS must maintain records of all contributions deposited by all Participating Employers and members and all benefits paid to members.<sup>2</sup>

#### *Participating Employers*

5. Each Participating Employer must designate one or more reporting officials and their backup as the organization's OCERS contact. The reporting official is authorized to sign OCERS documents and is responsible for timely and accurate management, transmission, and reporting of the Transmittal File and Employer Data to OCERS. The Employer must notify OCERS if its reporting official changes.
6. Employers are required to timely certify and transmit complete and accurate Employer Data to OCERS on a pay period basis in accordance with the CERL, PEPRA, the OCERS Compensation Earnable and Pensionable Compensation Policies, and this Employer Data Policy. The Employer Data

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<sup>2</sup> Gov. Code, § 31599



## OCERS Board Policy Employer Data Policy

must be transferred using the protocol and schedule specified in the **Employer Handbook**, available on the OCERS website. OCERS shall provide Employers with at least 30 days' written notice of any material changes to the Employer Handbook that affect reporting obligations or data transmission protocols.

Employers are responsible for providing OCERS with their list of Pensionable Pay Items.

***Any new pay item must be submitted to OCERS in accordance with OCERS Pay Item Review Policy and the Pay Item Request & Approval Procedures for Employers.***

7. Employers must submit Employer Data to OCERS bi-weekly per the designated payroll cycle and the schedule outlined in the Employer Handbook. The Employer must immediately notify OCERS if it cannot meet this schedule or if the payroll schedule changes (i.e., twenty-seven (27) pay periods).
8. Employers must promptly notify OCERS of changes to any labor/collective bargaining agreements affecting OCERS members, Employer plans, County grade or classifications, and Pensionable Pay Items. Participating Employers are also required to promptly notify OCERS of any anticipated changes to their payroll system or system provider. Failure to notify OCERS of such changes could result in errors in Employer Data transmission and processing, which could significantly impact the delivery of benefits, crediting of members' accounts, accurate reporting, and appropriate reserve funds.
9. **Employer Annual Compliance Certification:** All Employers will submit an annual compliance certification by December 31st of each calendar year, confirming ongoing compliance with this Policy. This certification will also confirm that the current list of users with approved ESS access on the ESS Portal Authorization Form is up to date.

### Employer Payroll Reporting and Data Transmission

10. Employer Data transmission is the process by which Employers submit information, such as Employer and employee contributions, salaries, and hours worked, to OCERS for processing and posting to members' accounts or the appropriate reserve fund. Employer Data and transaction details for amounts related to individual employees are submitted through OCERS' Employer Self-Service portal or secure file transfer protocol (FTP). Employers must transmit Employer Data to OCERS via the methods described in the Employer Handbook.
  - a. The payroll record is the most common record type. It contains information about an employee's earnings, contributions, and other pertinent information. Required fields on the payroll record are detailed in the "Transmittal Layout" in the Employer Handbook.
11. All documentation for each payment is due on the payment date for that contribution. OCERS retains the right to determine the accuracy and completeness of all data submissions supporting contribution payments. OCERS will exercise its authority to audit the Employer's records to determine the accuracy of benefits, reportable compensation, enrollment, and reinstatement.<sup>3</sup>

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<sup>3</sup> Gov. Code, § 31543



## OCERS Board Policy Employer Data Policy

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12. Employers must correct previously submitted transmittal data using an adjustment file by the second pay period after OCERS notification of the deficiency.

### Administrative Fees and Costs

13. OCERS may charge Employers administrative fees in the event of significant and continued preventable errors related to transmittals and contribution payments. In addition, OCERS is authorized to assess an Employer for the costs of administering the retirement system unique to that Employer; for example, costs directly related to each Employer's plan design characteristics and employment practices (e.g., work schedules) that affect the transmission of payroll data to OCERS.<sup>4</sup> Any fee assessment will be considered only after full implementation of the Employer Handbook and will be assessed in accordance with the timeline, procedures, and fee amounts specified in the attached Fee Schedule.
14. OCERS Board of Retirement (Board) hereby adopts the Fee Schedule attached and delegates to the Chief Executive Officer (CEO), or their designee, the authority to assess any other fees or costs authorized under this policy. Any assessment of fees or costs will be communicated to the Employer in writing by the CEO. The Employer will then have thirty days to appeal this assessment by submitting, in writing, a request for review by the Board and stating the basis for disputing the assessment or requesting its abatement. The Board shall review the CEO's determination de novo and issue a final determination within 90 days of receiving the complete appeal submission. The Board's decision is final and binding.
15. **Untimely and Incomplete Submissions:** OCERS may assess a reasonable amount to cover costs incurred when an Employer fails to submit the requisite Employer Data and contributions, or to do so in a timely manner.<sup>5</sup> OCERS may also assess an Employer a reasonable amount to cover the audit, adjustment, or correction cost if it determines the Employer knowingly failed to report compensation by pay period.<sup>6</sup>

***OCERS will calculate such fees by measuring the cost of labor for OCERS staff to analyze, assist the Employer in resolving, and communicate outcomes to the Employer regarding the applicable issue.***

16. **Employer Transmittal Files:** Transmittal files must be formatted correctly and contain correct and accurate employee information, as set forth in the Employer Handbook, and Employer Data as specified in this Policy. If a transmittal file contains errors that prevent its import into the OCERS pension administration system, the Employer must create a new file.

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<sup>4</sup> Gov. Code, § 31580.1

<sup>5</sup> Id.

<sup>6</sup> Gov. Code, §31542.5



## OCERS Board Policy Employer Data Policy

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17. **Payment Discrepancies:** Employer and employee contributions stated in electronic or hard-copy reports from the Employer, including transmittal files, spreadsheets, and other reporting formats, should generally match the actual payment amounts. Any discrepancy between these amounts requires communication from the Employer upon payment remittance and clearing of the error. The Employer communication must explain the discrepancy and the necessary action to resolve it. OCERS staff will email the Employer if an explanation of the discrepancy is not included with the contribution payment. The Employer must respond to OCERS' notice within 10 business days with the required explanation and resolution plan.
18. **Interest on Late Contribution Payments and Administrative Charges:** Any payment or partial payments received after the pay date of each pay period are considered late payments. An Employer will be assessed an interest penalty for late payments.<sup>7</sup> OCERS will ordinarily apply interest to the underpaid amount at OCERS' semi-annual interest crediting rate,<sup>8</sup> but reserves the right to assess additional interest (e.g., OCERS' assumed rate of investment return) to the underpaid amount for late payments outstanding beyond thirty (30) days or repeated late payments (three or more instances within twelve months). OCERS will invoice an Employer for any additional interest payment related to late contribution payments, supported by the interest calculation. An Employer should ensure that OCERS receives payment within thirty days of the invoice date. Interest will continue to accrue if the payment is not received within thirty days of the invoice date. An Employer may appeal in writing to the Board for abatement of interest within thirty days of its receipt of the invoice.
19. **Implementation and Fee Schedule:** See attached Appendix.

### Policy Review

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

### Policy History

The Board adopted this policy on...

### Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

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<sup>7</sup> Gov. Code, § 31580.1

<sup>8</sup> Gov. Code, § 31472.1



## OCERS Board Policy Employer Data Policy

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### Appendix Fee Schedule

1. OCERS may charge Participating Employers administrative fees and costs in the event of significant and continued preventable errors pertaining to transmittals and contribution payments.
2. The fee assessment method in this Appendix will become operative in the third year following its approval by the Board of Retirement, as follows:
  - 2026:** OCERS implements enhanced payroll exception reports and provides employers access to these new reporting tools.
  - 2027:** Employers use the reports for a full calendar year to identify issues and improve data quality.
  - 2028:** Fees for payroll transmittal exceptions become assessable.If OCERS has not fully implemented the enhanced payroll exception reporting tools by December 31, 2026, the three-year timeline will automatically extend such that fee assessment will not become operative until the beginning of the third full calendar year following full implementation of the reporting tools.
3. **Assessment Measuring Period:** Administrative fees will be evaluated quarterly using a snapshot-based review approach tied to employer payroll cycles and designed to provide employers a defined opportunity to correct payroll reporting errors before any fee is assessed. Payroll reporting exceptions used for fee assessment will be determined using OCERS-generated exception reports and administrative review processes as described in the Employer Handbook. OCERS will provide employers with access to exception reporting and written notice of potential fee exposure after each quarterly snapshot, allowing employers to resolve outstanding snapshot exceptions before assessment.
4. **Quarterly Snapshot:** Once the fee assessment becomes operative, for each calendar quarter, OCERS will establish a snapshot of payroll transmittal exceptions as of the employer pay period that includes the applicable quarter-end date (i.e., March 31, June 30, September 30, and December 31). The snapshot exceptions are those payroll transmittal exceptions that (a) appear in OCERS-generated exception reports as of the snapshot date and (b) relate to transmittals submitted during the applicable calendar quarter.
5. **Cure Window:** Following the snapshot date, OCERS will provide the employer with a snapshot exception report within 5 business days. The employer will then have two (2) subsequent employer pay periods from the date of OCERS' snapshot report to resolve the snapshot exceptions.
6. **Assessment and Fee Determination:** At the end of the second subsequent employer pay period following the snapshot, OCERS will determine which snapshot exceptions remain unresolved. Only those exceptions that (1) existed as of the snapshot date and (2) remain unresolved as of the assessment date will be included in the quarterly fee determination. Exceptions created after the snapshot date will not



## OCERS Board Policy Employer Data Policy

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be included in the current quarter's fee determination and will be evaluated during the subsequent quarter's snapshot review if still unresolved at that time. Fees, if applicable, will be assessed once per quarter in accordance with the Fee Table below.

7. **Fee Table:** The following fees will be assessed for each quarter in which unresolved Payroll Transmittal Exceptions exceed three percent (3% of total payroll transactions):
- a. 11–50 Payroll Transmittal Exceptions (over 3% of total): \$2,500
  - b. 51–100 Payroll Transmittal Exceptions (over 3% of total): \$6,500
  - c. 101–150 Payroll Transmittal Exceptions (over 3% of total): \$10,500
  - d. 151–200 Payroll Transmittal Exceptions (over 3% of total): \$15,000
  - e. 200+ Payroll Transmittal Exceptions (over 3% of total): \$25,000

For purposes of this fee schedule, "total payroll transactions" means the total number of individual member payroll records submitted by the Employer during the applicable quarter.

8. Fees will be assessed for each non-compliant quarter until the Employer achieves the required compliance rate, at which point fee assessment will cease. If the Employer subsequently fails to maintain compliance, the notification and remediation process in paragraph 3 will restart.



## Memorandum

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**DATE:** May 7, 2026  
**TO:** Members of the Governance Committee  
**FROM:** Manuel D. Serpa, General Counsel  
**SUBJECT:** TRIENNIAL REVIEW OF THE PUBLIC RECORDS AND DATA REQUEST POLICY

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### Recommendation

Approve and recommend that the Board adopt the revisions to the Public Records and Data Request Policy.

### Background/Discussion

The Board of Retirement has established a review schedule requiring every charter and policy to be reviewed every 3 years. Pursuant to the board-approved review process, certain charters and policies are to be reviewed first by the Governance Committee before being presented to the Board for approval.

The Public Records and Data Request Policy was adopted by the Board on March 19, 2012, and most recently amended on April 17, 2023. It is scheduled for review and approval by the Board in 2026, after the Governance Committee reviews it.

The recommended changes include non-substantive edits to correct typos and improve clarity.

Section 5 states that record requests from individual Board members shall be routed to the CEO and will be handled by OCERS in accordance with the Board's Communications Policy *and the PRA*. Reference to the California Public Records Act (PRA) was added (as shown in italics) to make explicit the fact that Board member requests for records must be handled in compliance with the PRA if applicable. For context, the Communications Policy includes the following provision on Board member requests:

17. a. Board members who seek information solely in order to respond to inquiries from members about OCERS' policies and practices may direct their inquiries to the CEO or, with notice to the CEO, to the appropriate Assistant CEO or department head, who shall in turn direct subordinate staff as appropriate.
- b. All other Board member requests for information shall be directed to the CEO, who shall, in turn, direct staff as appropriate.

In addition, the previous section 6, which defined public records under the California Public Records Act, was deleted as unnecessary. The goal of the policy is not to repeat legal definitions or requirements contained in the PRA.

Also, the direction that all PRA requests that staff receive should be forwarded to the Legal Division was added to the new section 6. A footnote linking to the public request form on the OCERS website was added for reference.

The proposed revisions are set forth in underlined/strikeout text in the attached copy of the policy. An unmarked version of the policy is also attached for the Committee's ease of review.

### Attachments

**Submitted by:**



MDS-Approved

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Manuel D. Serpa  
General Counsel



## OCERS Board Policy Public Records and Data Request Policy

### Purpose and Background

1. The Board of Retirement (“Board”) of the Orange County Employees Retirement System (“OCERS”) adopts this policy to establish guidelines and procedures regarding responses to requests (“PRA Requests”) pursuant to the California Public Records Act (“PRA”); data requests received from OCERS employers or other stakeholders (“Data Requests”); and requests for account information received from OCERS members and their beneficiaries.

The Board is committed to transparency and recognizes that transparency is integral to good governance. The Board has an obligation to balance its members’ right to privacy with the public’s right to information regarding public business. In addition, the Board must balance the interests of OCERS employers and other stakeholders ~~who that~~ request information from OCERS against the Board’s paramount duty to administer the system solely in the interest of, and for the exclusive purpose of providing benefits to, OCERS members and their beneficiaries. This policy is not intended to cover all of the complex legal and factual issues that may arise in responding to a PRA Request. However, the Board has determined that it is useful to establish guidelines for OCERS to consider when responding to a PRA Request or a Data Request, and to publish those guidelines for the benefit of OCERS members and their beneficiaries, OCERS employers and stakeholders, and the public at large.

### Policy Objectives

2. The objectives of this policy are to provide guidelines to staff in responding to PRA Requests and Data Requests.

### Policy Guidelines

3. OCERS members and their beneficiaries are entitled to access their own individual OCERS records and accounts and may authorize access by another person or entity by providing written authorization to OCERS. OCERS staff is authorized to provide members and their beneficiaries with copies of their own individual records and account information and to charge the requester ~~or~~ only the direct cost of duplicating a record, if any. A request made by an OCERS member or beneficiary for their own individual records or information will not be treated as a PRA Request or Data Request under this policy.
4. All Data Requests made by an OCERS employer or other stakeholder shall be routed to an Assistant CEO or the General Counsel and ~~will be~~ treated by OCERS as a request ~~made~~ pursuant to the PRA and subject to this policy.
- 4.5. ~~Record r~~Requests from individual Board members shall be routed to the CEO and will be handled by OCERS in accordance with the Board’s Communications Policy and the PRA.



## OCERS Board Policy

# Public Records and Data Request Policy

56. All PRA requests that staff receive should be forwarded to the Legal Division.<sup>1</sup> OCERS prefers that all PRA Requests and Data Requests be made in writing in order to facilitate a clear understanding of the request and the records or data being sought by the requesteer. When a request is made verbally, staff should ask the requesting party to put the request in writing. ~~In the event f~~ the requesting party refuses to ~~make submit~~ a written request, staff should seek to clarify the request verbally and ~~then forward it to the Legal Division.~~ take detailed notes regarding the request.
- ~~6. The PRA requires OCERS to disclose "public records" unless the particular information is exempt from disclosure. "Public records" include any writing containing information relating to the conduct of the public's business (i.e., OCERS' business) that is prepared, owned, used or retained by OCERS.~~
7. Communications related to the conduct of the public business that are sent, received, or stored on the private accounts and personal devices of OCERS staff or Board members are public records subject to disclosure under the PRA. If it is determined that the scope of a PRA Request includes public records that may be held in a Board member's or OCERS' employee's non-governmental accounts or on their personal devices, OCERS will ~~communicate the request to~~ notify the Board members and employees in question, and they must thereafter ~~perform~~ conduct a reasonable search of their personal files, accounts, and devices for responsive material.
8. OCERS will respond to PRA Requests and Data Requests in accordance with the PRA, the County Employees Retirement Law of 1937 (the "CERL"), and controlling case law interpreting the PRA and the CERL; and OCERS will not disclose pursuant to a PRA Request or a Data Request records exempt from disclosure under such laws. The General Counsel, in consultation with the CEO, has the authority to exercise discretion to waive an exemption if it is in OCERS' best interest to do so.
9. The PRA expressly permits, and OCERS' fiduciary responsibility to administer the system for the exclusive purpose of providing benefits to OCERS members and their beneficiaries requires, that OCERS recover the direct costs of duplication when providing copies of records, and under certain circumstances, the costs of data compilation, extraction, and programming to produce an electronic record. OCERS will provide an estimate of any such costs to the requesteer under a PRA Request or a Data Request and will promptly fulfill the request for records or data after payment of the full estimated amount. Any payments made based on ~~the an~~ estimate that ~~are in excess of exceeds~~ the actual cost ~~for of~~ copying or producing the requested records or data will be refunded to the requesteer.

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<sup>1</sup> Members of the public may submit record requests using the form contained on the OCERS website: <https://www.ocers.org/public-records-request>



## OCERS Board Policy Public Records and Data Request Policy

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### Policy Review

10. The Board shall review this Policy at least every three years to ensure that it remains relevant and appropriate.

### Policy History

11. The Board adopted this Policy on March 19, 2012. The Board reviewed and amended this policy on December 14, 2015, May 15, 2017, April 20, 2020, ~~and~~ April 17, 2023, and [date].



## OCERS Board Policy Public Records and Data Request Policy

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### Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

A handwritten signature in blue ink that reads "Steve Delaney".

Steve Delaney  
Secretary of the Board

04/17/2023

Date



## OCERS Board Policy Public Records and Data Request Policy

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### Purpose and Background

1. The Board of Retirement (“Board”) of the Orange County Employees Retirement System (“OCERS”) adopts this policy to establish guidelines and procedures regarding responses to requests (“PRA Requests”) pursuant to the California Public Records Act (“PRA”); data requests received from OCERS employers or other stakeholders (“Data Requests”); and requests for account information received from OCERS members and their beneficiaries.

The Board is committed to transparency and recognizes that transparency is integral to good governance. The Board has an obligation to balance its members’ right to privacy with the public’s right to information regarding public business. In addition, the Board must balance the interests of OCERS employers and other stakeholders who request information from OCERS against the Board’s paramount duty to administer the system solely in the interest of and for the exclusive purpose of providing benefits to OCERS members and their beneficiaries. This policy is not intended to cover all of the complex legal and factual issues that may arise in responding to a PRA Request. However, the Board has determined that it is useful to establish guidelines for OCERS to consider when responding to a PRA Request or a Data Request, and to publish those guidelines for the benefit of OCERS members and their beneficiaries, OCERS employers and stakeholders, and the public at large.

### Policy Objectives

2. The objectives of this policy are to provide guidelines to staff in responding to PRA Requests and Data Requests.

### Policy Guidelines

3. OCERS members and their beneficiaries are entitled to access their own individual OCERS records and accounts and may authorize access by another person or entity by providing written authorization to OCERS. OCERS staff is authorized to provide members and their beneficiaries with copies of their own individual records and account information and to charge the requester only the direct cost of duplicating a record, if any. A request made by an OCERS member or beneficiary for their own individual records or information will not be treated as a PRA Request or Data Request under this policy.
4. All Data Requests made by an OCERS employer or other stakeholder shall be routed to an Assistant CEO or the General Counsel and treated by OCERS as a request pursuant to the PRA and subject to this policy.
5. Record requests from individual Board members shall be routed to the CEO and will be handled by OCERS in accordance with the Board’s Communications Policy and the PRA.



## OCERS Board Policy Public Records and Data Request Policy

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6. All PRA requests that staff receive should be forwarded to the Legal Division.<sup>1</sup> OCERS prefers that all PRA Requests and Data Requests be made in writing in order to facilitate a clear understanding of the request and the records or data being sought by the requester. When a request is made verbally, staff should ask the requesting party to put the request in writing. If the requesting party refuses to submit a written request, staff should seek to clarify the request verbally and then forward it to the Legal Division.
7. Communications related to the conduct of the public business that are sent, received, or stored on the private accounts and personal devices of OCERS staff or Board members are public records subject to disclosure under the PRA. If it is determined that the scope of a PRA Request includes public records that may be held in a Board member's or OCERS' employee's non-governmental accounts or on their personal devices, OCERS will notify the Board members and employees in question, and they must thereafter conduct a reasonable search of their personal files, accounts, and devices for responsive material.
8. OCERS will respond to PRA Requests and Data Requests in accordance with the PRA, the County Employees Retirement Law of 1937 (the "CERL"), and controlling case law interpreting the PRA and the CERL; and OCERS will not disclose pursuant to a PRA Request or a Data Request records exempt from disclosure under such laws. The General Counsel, in consultation with the CEO, has the authority to exercise discretion to waive an exemption if it is in OCERS' best interest to do so.
9. The PRA expressly permits, and OCERS' fiduciary responsibility to administer the system for the exclusive purpose of providing benefits to OCERS members and their beneficiaries requires that OCERS recover the direct costs of duplication when providing copies of records, and under certain circumstances, the costs of data compilation, extraction, and programming to produce an electronic record. OCERS will provide an estimate of any such costs to the requester under a PRA Request or a Data Request and will promptly fulfill the request for records or data after payment of the full estimated amount. Any payments made based on an estimate that exceeds the actual cost of copying or producing the requested records or data will be refunded to the requester.

### Policy Review

10. The Board shall review this Policy at least every three years to ensure that it remains relevant and appropriate.

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<sup>1</sup> Members of the public may submit record requests using the form contained on the OCERS website:  
<https://www.ocers.org/public-records-request>



## OCERS Board Policy Public Records and Data Request Policy

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### Policy History

11. The Board adopted this Policy on March 19, 2012. The Board reviewed and amended this policy on December 14, 2015, May 15, 2017, April 20, 2020, April 17, 2023, and [date].

### Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

A handwritten signature in blue ink that reads "Steve Delaney".

\_\_\_\_\_  
Steve Delaney  
Secretary of the Board

\_\_\_\_\_  
Date



## Memorandum

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**DATE:** May 7, 2026  
**TO:** Members of the Governance Committee  
**FROM:** Manuel D. Serpa, General Counsel  
**SUBJECT:** TRIENNIAL REVIEW OF THE RULES OF PARLIAMENTARY PROCEDURE POLICY

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### Recommendation

Approve and recommend that the Board adopt the revisions to the Rules of Parliamentary Procedure Policy.

### Background/Discussion

The Board of Retirement has established a review schedule requiring every charter and policy to be reviewed every 3 years. Pursuant to the board-approved review process, certain charters and policies are to be reviewed first by the Governance Committee before being presented to the Board for approval.

The Rules of Parliamentary Procedure Policy (Policy) was adopted by the Board on February 16, 2015, and most recently amended on April 17, 2023. It is scheduled for review and approval by the Board in 2026, after the Governance Committee reviews it.

### Proposed Changes

#### *Section 3(l) — Adjournment of meetings*

**Current language:** "To adjourn each meeting of the Board or committee at the conclusion of the business set forth on the agenda by unanimous consent."

**Proposed language:** "To declare each meeting of the Board or committee adjourned at the conclusion of the business set forth on the agenda, or upon a successful motion to adjourn."

As currently drafted, Section 3(l) appears to require the unanimous consent of the Board or committee to adjourn a meeting at the conclusion of business. Read literally, this would permit a single member to prevent adjournment of a meeting whose business had concluded, which is inconsistent with both general parliamentary practice and the operational needs of the Board. The approach reflected in Robert's Rules of Order Newly Revised and similar parliamentary authorities is that the Chair declares the meeting adjourned at the conclusion of business, or any member may move to adjourn (a motion requiring a majority vote). The proposed language conforms to that practice and removes a procedural anomaly.

#### *Section 16(a)(ii) — Motion to Rescind*

**Current language:** "A Motion to Rescind is not in order when any action has already been taken as a result of a previous vote (i.e., a contract has been executed with a vendor as a result of the previous vote)."

**Proposed language:** "A Motion to Rescind is not in order when any action authorized by the previous vote has already been taken and cannot be undone (e.g., a contract has been executed with a vendor as a result of the previous vote)."

The current language could be read to bar rescission whenever any action has been taken in reliance on a prior vote, even where the action remains fully reversible. The accepted parliamentary standard, as reflected in Robert's Rules of Order Newly Revised, is that a motion to rescind is unavailable only when the underlying action cannot be undone, such as when a contract has been signed, performance has commenced, or an irrevocable communication has been issued. The proposed language reflects that more precise standard while preserving an illustrative example.

Other minor changes were made to correct typos and improve clarity. The proposed revisions are set forth in underlined/strikeout text in the attached copy of the Policy. An unmarked version of the policy is also attached for the Committee's ease of review.

Attachments

**Submitted by:**



MDS-Approved

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Manuel D. Serpa  
General Counsel



## OCERS Board Policy OCERS Rules of Parliamentary Procedure

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### Purpose and Background

1. The Orange County Employees Retirement System Board of Retirement is committed to the principles of open and efficient government. The Board conducts regular meetings of the full board and various committees. The Board wishes to establish rules for the conduct of those meetings that are consistent with the Ralph M. Brown Act ("Brown Act") in order to ensure orderly meetings and to protect the rights of the Board, its individual members, OCERS members and plan sponsors, and members of the public.

### Basic Rules

2. All meetings of the Board and its committees shall adhere to the following basic rules of conduct:
  - a. The collective fiduciary interests of the Board and its committees supersede the rights of individual members of the Board. All members of the Board must adhere to the rules established by the Board. If there is a conflict between the rights of a member and the interests of the Board to conduct its business, the interests of the Board prevail.
  - b. All members of the Board are equal. All members of the Board have the following rights:
    - i. To hold office.
    - ii. To attend meetings.
    - iii. To make motions and speak in Board or committee deliberations.
    - iv. To nominate.
    - v. To vote.
  - c. A quorum must be present to conduct business. The By-Laws specify that a quorum for the conduct of a meeting of the full Board shall be five members present; a quorum for a meeting of the Investment Committee shall be five members present; and a quorum for a meeting of a standing committee of the Board, other than the Investment Committee, shall be two members present.
  - d. The majority rules. The minority has the right to be heard on issues up for deliberation before the Board or a committee. Once a decision has been made by the majority of Board members present and voting, the minority must respect and abide by the decision.
  - e. The Brown Act requires OCERS to publicly report the vote or abstention of each Board or committee member present. (Gov. Code § 54953 (c).) Therefore, each Board or committee member present shall vote or abstain in each vote of the Board or committee. Silence on a vote is not authorized under the Brown Act.
  - f. One question will be addressed at a time, and one speaker will speak at a time. A motion will be out of order if it does not directly relate to the question under consideration. Once a speaker



## OCERS Board Policy

# OCERS Rules of Parliamentary Procedure

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has been recognized, he or she has the floor and should not be interrupted except in rare circumstances, such as by the Chair to maintain order or decorum.

- g. Members of the Board or committee shall have the opportunity to fully debate all debatable motions. A debatable motion may not be put to a vote as long as members of the Board or committee wish to continue the debate unless debate is suspended by majority vote of the Board or committee.
- h. Once a motion has been decided at a Board or committee meeting, it is out of order to bring up the same motion or a motion that is essentially the same at the same meeting unless it is brought through a Motion for Reconsideration.
- i. Remarks directed at another Board or committee member personally and not relating to the business of the Board or committee are out of order in a debate. Debate shall be limited to motions and not motives, principles, or personalities. The Chair may request that the speaker cease his or her out of order remarks.
- j. Board and standing committee meetings shall be conducted in accordance with the Brown Act (Gov. Code § 54950, et. seq.).
- k. The Board and its committees shall not conduct any business that has not been properly placed on the agenda and noticed to the public unless authorized by the Brown Act.

## Roles and Responsibilities of the Chair in the Conduct of Meetings

- 3. The Chair of the Board or committee shall be the presiding officer of the meeting. If the Chair of the Board or committee is absent, the Vice Chair shall serve as the presiding officer. In the event that both the Chair and the Vice Chair are absent from the meeting, the Chair shall appoint a presiding officer of the meeting from among the remaining members of the Board or committee who are entitled to vote during the meeting. The general responsibilities of the presiding officer are:
  - a. To ensure that the meeting starts on time and moves through the agenda in an expeditious manner. The presiding officer may take steps to prevent dissenting Board or committee members and members of the public from employing dilatory tactics to delay a meeting.
  - b. To ensure that Board and committee members and members of the public adhere to the published agenda, except as otherwise permitted by law.
  - c. To be familiar with these rules, OCERS' By-Laws, charters, and policies, and the customary practices of the Board and its committees.
  - d. To direct the orderly conduct of the meeting by recognizing speakers and reminding others that interruption of speakers who have the floor is out of order.
  - e. To impartially recognize members of the Board or committee and members of the public to speak during discussion of a motion. It shall be the presiding officer's prerogative to determine the timing of public comment; that is, whether public comment is taken before or during the Board members' discussion on each matter. In any event, the presiding officer should provide



## OCERS Board Policy

# OCERS Rules of Parliamentary Procedure

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- opportunity for Board and committee members and members of the public on all sides of a discussion to speak before the Board’s action on the motion.
- f. To restate a motion before a vote is taken and to announce the results of the vote. The presiding officer may require a vote by roll call, show of hands, or any other means in order to clarify the results of the vote and permit the vote to be recorded accurately in the minutes of the meeting.
  - g. To ensure that discussion is relevant and focused on the issue at hand. The presiding officer may request a Board or committee member or member of the public to confine his or her remarks to the motion under consideration.
  - h. To ensure that public comment (1) on any matter within the jurisdiction of the Board or committee is permitted at each meeting of the Board or committee; (2) is limited to three minutes per speaker and to a total of 20 minutes per issue (with the exception of appearances on disability matters; see OCERS By-Laws); and (3) does not interfere with the orderly conduct of the meeting. The Chair of the Board or committee has the discretion to modify the time limit per speaker should, for example, it be necessary to shorten the time to accommodate a lengthy agenda or a large number of speakers. Similarly, the time limit per speaker may be lengthened to allow additional time for discussion on a complicated matter.
  - i. To ensure that public comment is directed to the presiding officer, and not to staff, vendors, or consultants.
  - j. To ensure that any requests made of staff, vendors or consultants to report back to the Board or committee, to place a matter of business on a future agenda of the Board or committee, or to otherwise commit staff time and OCERS resources are (1) made at the direction of the presiding officer; (2) with consensus of the Board or committee members; and (3) with due consideration of the burdens such requests will place on staff, consultants and OCERS resources and any other relevant concerns staff or consultants may identify.
  - k. To ensure, before staff, a vendor or a consultant is directed by the presiding officer to respond to questions from, or to report or release additional information requested by, a member of the public during a meeting of the Board or committee, that the information is (1) relevant and appropriate to the subject matter of the meeting; and (2) public in nature.



## OCERS Board Policy OCERS Rules of Parliamentary Procedure

- I. To declare the meeting adjourned at the conclusion of the business set forth on the agenda, or upon a successful motion to adjourn. ~~To adjourn each meeting of the Board or committee at the conclusion of the business set forth on the agenda by unanimous consent.<sup>1</sup>~~

### Disruptions of Meetings

4. In the event any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Chair of the Board or committee may:
  - a. Order the meeting room (including the Zoom meeting room) cleared and continue in session as follows:
    - i. Only matters appearing on the agenda may be considered in such a session.
    - ii. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend such a session.
  - b. Readmit to the session individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting, as the Chair deems appropriate.
5. In addition to the authority described in Section 4, above, the Chair of the Board or committee or their designee may remove or cause the removal of any individual for disrupting a meeting, provided that prior to removing an individual, the Chair or their designee warns the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. If they do not promptly cease their disruptive behavior, the Chair or their designee may then remove the individual.
  - a. For purposes of this Section 5, "disrupting a meeting" means engaging in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable time limits for public comment established by the Board or committee or engaging in behavior that constitutes use of force, or a true threat of force that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

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~~<sup>1</sup> The presiding officer may state (for example), "If there is no objection, this meeting will be adjourned;" and after a pause for objection, if there is no objection, "The meeting is adjourned."~~



## OCERS Board Policy

# OCERS Rules of Parliamentary Procedure

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6. For purposes of Sections 4 and 5, above, “removal from the meeting” includes physically removing the individual or individuals from the in-person meeting location and, in the case of a Zoom meeting, muting the microphone of the individual or individuals or placing them in the Zoom virtual waiting room.

### **Roles and Responsibilities of the CEO; Meeting Minutes**

7. The OCERS CEO or his or her designee shall be the secretary of the Board or committee meeting. The duties of the secretary of the meeting are:
  - a. To prepare or cause to be prepared concise minutes of all meetings of the Board and its committees for approval by the Board at a subsequent meeting.
  - b. At a minimum, the secretary shall record the following in the minutes:
    - i. All members of the Board or committee present at the meeting.
    - ii. All adopted and defeated motions.
    - iii. The name of the maker and seconder of each motion and amendment.
    - iv. Names of all persons reporting or presenting to the Board or committee.
    - v. The identity and vote of each Board or committee member voting or abstaining from a vote.
  - c. The secretary need not record the following in the minutes:
    - i. Detailed discussion or personal opinions of members of the Board ~~or~~ committee, or members of the public.
    - ii. Motions that have been withdrawn.
    - iii. Full reports of committees.
8. The minutes of a meeting of the Board will be presented to the Board for approval, and the minutes of a meeting of a committee will be presented to that committee for approval, at the next meeting of the Board or committee, as applicable. In addition, because there are periodically changes in the membership of the committees, each current member of a committee is authorized to approve the minutes of meetings conducted prior to the individual becoming a member of the committee.

### **Agendizing Matters for Board or Committee Consideration**

9. In general, matters for Board or committee discussion may be placed on a meeting agenda by staff in the reasonable discretion of the CEO or by a Board or committee member by request to the Chair of the Board or committee.
  - a. The Board and its committees will make use of consent agendas whenever feasible to group items that do not require discussion or debate into a single voting package in order to expedite approval of routine matters.



## OCERS Board Policy

# OCERS Rules of Parliamentary Procedure

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- b. Informational reports ~~that have been~~ requested by the Board or a committee will be agendized and presented as information items and may be accepted without action by the Board or committee.
10. In the event that the Chair of the Board or committee refuses to place an item on the agenda, the Board or committee member making the request may appeal the decision to the full Board or committee at the next duly noticed meeting during the Board or committee member comments section of the meeting. The motion must receive a second to move forward. The Board or committee will then vote on the question of whether to place the requested matter on the agenda of the next available duly noticed Board or committee meeting.
- a. If the Board or committee votes to place the item on the next available agenda, the matter shall be placed on that agenda and discussed by the Board or committee at the time noticed in the agenda.
  - b. If the Board or committee votes not to place the item on the next available agenda, the matter will be tabled.
  - c. In either case, no action will be taken on the matter after the vote so that any action item can be properly placed on an agenda pursuant to the Brown Act.
11. In the event that a Board or committee member proposes placing a matter on a future agenda during the Board or committee member comments section of the meeting, the presiding officer of the Board or committee may rule on the proposal prior to the end of the meeting. If the presiding officer does so rule at that meeting and refuses to place the proposed matter on a future agenda, the Board or committee member making the proposal may immediately exercise his or her appeal rights as described in Section 10 above.

## Types of Motions and Their Uses

### *Main Motions*

12. The motions are:
- a. The main motion is the means by which the Board and committee proposes action and does business. It is a proposal that a certain action be taken by the Board or committee, whether that action be to express an opinion, adopt a policy, make an expenditure of funds, enter into a contractual obligation, or ~~to~~ take any other action that is within the power of the Board or committee.
  - b. A main motion may be made by any qualified member of the Board or Committee; however, a motion can only be made concerning business that has been placed on the published agenda unless otherwise authorized by law.
  - c. To introduce a main motion, a Board or committee member who has the floor should state, “**I move that...**”



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- d. The presiding officer of the meeting may assist the Board or committee member in clarifying the motion.
- e. A main motion must be seconded unless the motion comes to the Board from a committee recommendation, since the motion has already been adopted by a committee of the Board. ~~since any motion coming from a committee already has more than two Board members in favor of considering the motion.~~
- f. Debate is held on the main motion when the presiding officer states, **"Is there any discussion."** The presiding officer shall provide all Board or committee members the opportunity to speak during the discussion of a main motion.
- g. A main motion may be amended.
- h. Passage of a main motion requires a simple majority vote.
- i. The presiding officer may require that lengthy motions be made in writing.
- j. The maker of the main motion has the right to speak first in support of the motion.
- k. A member may amend his or her own motion before it is restated by the presiding officer immediately preceding the vote on the motion. To be effective, the amendment must be agreed to by the seconder. Such an amendment by the maker of the motion shall not be considered a Motion to Amend or Substitute Motion.
- l. A member may withdraw his or her motion up until the time it is stated by the presiding officer immediately preceding the vote.

### ***Motions that are not in Order***

- 13. The motions are:
  - a. Motions that conflict with the By-Laws of OCERS.
  - b. Motions that repeat an issue that the Board or committee has already dealt with ~~on the day of~~ at the same ~~the~~ meeting, unless made through a Motion for Reconsideration.
  - c. Motions that do not comply with the Brown Act, the County Employees Retirement Law of 1937, or other applicable law governing OCERS.
  - d. Motions that appear to the presiding officer to be dilatory, unintelligible, frivolous, or rude.
  - e. The presiding officer shall make rulings on whether a motion is out of order. The member making the motion has the right of appeal ~~as~~ under Section 15-(b).

### ***Subsidiary Motions***

- 14. The following motions are ranked lowest to highest in precedence:
  - a. Motion to Amend (Substitute Motion):



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- i. Motion to Amend changes the wording of a main motion and may be made at any time after the main motion has been seconded.
  - ii. A motion may be amended by:
    1. Adding words or phrases;
    2. Striking out words or phrases;
    3. Substituting by striking out and inserting new words; or
    4. Substituting an entire motion or paragraph
  - iii. An amendment to a motion must relate to the pending motion. No new business may be introduced under pretext of an amendment.
  - iv. Adoption of an amendment changes the motion. If the motion to amend is successful, the Board or committee must vote to adopt the motion as amended.
  - v. If the amendment is not successful, the original motion is on the floor as originally stated.
  - vi. An amendment may be amended one time so there may be a main motion, a primary amendment, and secondary amendment. A third amendment is not in order.
  - vii. Voting shall be in reverse order of how the motions were offered. Therefore, voting will be on the secondary amendment, if any, first; the primary amendment, second; and the main motion, ~~first, the primary amendment second, and the main motion~~ third. Voting on the main motion and all amendments must be completed before a new main motion or any amendments may be offered.
  - viii. A Board or committee member must have the floor to offer an amendment.
  - ix. An amendment must be seconded.
  - x. An amendment is debatable if it is made to a debatable motion.
  - xi. The presiding officer shall provide all Board or committee members the opportunity to speak during debate or discussion of a motion to amend.
  - xii. A Motion to Amend requires a majority vote.
- b. Motion to Commit or Refer:
- i. Motion to Commit or Refer sends the question on the floor to a committee or OCERS' staff ~~so it can be~~ for more carefully ~~studied~~ study and ~~prepared~~ preparation for discussion by the Board.
  - ii. The Motion to Commit or Refer should include specific direction as to which committee or staff shall study the question, whether the committee or staff will have authority to act, and when the committee or staff should report back to the Board.
  - iii. A Motion to Commit or Refer can be applied to any main motion, and any amendments pending on the main motion go with the motion to committee.



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- iv. A Motion to Commit or Refer must be seconded.
  - v. A Motion to Commit or Refer may be debated, but debate must be limited to the merits of sending the issue to a committee or staff.
  - vi. A Motion to Commit or Refer can be amended as to the committee or staff assigned to study the issue, and [to the](#) instructions to the committee or staff.
  - vii. A Motion to Commit or Refer requires a majority vote.
- c. Motion to Postpone
- i. A Motion to Postpone delays action on a question until later in the same meeting or until a subsequent meeting.
  - ii. A Motion to Postpone may be applied to any main motion.
  - iii. A Motion to Postpone must be seconded.
  - iv. A Motion to Postpone may not interrupt a speaker who has the floor.
  - v. A Motion to Postpone may be debated; however, debate must be limited to the merits of postponing consideration of the question.
  - vi. A Motion to Postpone may be amended to change the time or length of postponement.
  - vii. The Motion to Postpone requires a majority vote.
  - viii. The postponed motion should be placed on a subsequent meeting agenda as appropriate.
- d. Motion to Limit Debate:
- i. The Board or committee may use a Motion to Limit Debate to exercise control over debate by reducing the number and length of comments allowed or by requiring that debate stop at a time certain.
  - ii. A Motion to Limit Debate may be used with any motion.
  - iii. A Motion to Limit Debate must be seconded.
  - iv. A Motion to Limit Debate is not debatable.
  - v. A Motion to Limit Debate may be amended only as to the length of comments allowed or when the vote will be taken.
  - vi. A Motion to Limit Debate requires a majority vote.
  - vii. When a Motion to Limit Debate that imposes time limits is successful, the presiding officer will appoint a timekeeper and will inform speakers of when their time is up.
- e. Move the Previous Question:
- i. Move the Previous Question is the motion used to end debate on a question in order to bring the Board or committee to an immediate vote.
  - ii. Move the Previous Question requires a second.



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- iii. The Previous Question motion is out of order if the main motion is debatable and has not received any debate.
- iv. Previous Question may be applied to any question or motion that is before the Board or committee.
- v. Previous Question may not be used to interrupt a speaker who has the floor.
- vi. Previous Question may not be debated.
- viii. Previous Question requires a majority vote.

### *Incidental Motions or Procedures*

15. The motions are:

- a. Point of Order
  - i. A Point of Order is used by a member of the Board or committee when that member feels the presiding officer is failing to operate within the Board or committee rules.
  - ii. Point of Order may be brought during discussion of any motion and may interrupt a speaker who has the floor.
  - iii. A Point of Order is not debatable.
  - iv. The presiding officer rules on the Point of Order motion.
  - v. The Point of Order cannot be amended.
- b. Appeal
  - i. Appeal allows any two members of the Board or committee to challenge what they feel is an incorrect or unfair ruling by the presiding officer.
  - ii. The question of Appeal is stated in the affirmative so that a majority vote sustains the ruling of the presiding officer.
  - iii. Appeal requires a second.
  - iv. If seconded, the Appeal requires the presiding officer to put his or her ruling to a vote of the Board or committee.
  - v. The Appeal is debatable.
  - vi. A majority vote ~~in the negative is required to reverse~~ against the ruling of the presiding officer is required to reverse it. Therefore, the question to be posed is, for example, "If you believe the presiding officer's ruling is correct, please vote 'yes;' and if you believe the presiding officer's ruling is incorrect, please vote 'no.'"

vi.



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- c. Point of Information
  - i. Point of Information is used by a Board or committee member to obtain additional information regarding the subject being considered.
  - ii. Point of Information does not require a second or a vote.
  - iii. The presiding officer will ask the requesting Board or committee member what the Point is.
  - iv. Additional information will be provided by the staff or the speaker.
- d. Parliamentary Inquiry
  - i. A Parliamentary Inquiry allows the Board or committee members to ~~get~~ seek parliamentary ~~help~~ assistance.
  - ii. Parliamentary Inquiry does not require a second or a vote.
  - iii. The presiding officer will ask the requesting Board or committee member what the Inquiry is.
  - iv. The presiding officer will rule on the Inquiry after ~~consultation~~ consulting with the secretary, counsel, or others ~~who are~~ familiar with parliamentary procedure.

### *Restorative Motions*

16. The motions are:
- a. Motion to Rescind
    - i. This motion is used to quash or nullify a previously adopted motion. It may be used to strike out an entire motion.
    - ii. A Motion to Rescind is not in order when any action authorized by the previous vote has already been taken ~~as a result of a previous vote~~ and cannot be undone (i.e.g., a contract has been executed with a vendor as a result of the previous vote).
    - iii. A Motion to Rescind must be placed on the meeting agenda in order for the Board or committee to take action on it.
    - iv. It must be seconded.
    - v. It requires a majority vote.
  - b. Motion to Reconsider
    - i. A Motion to Reconsider allows the Board or committee to reconsider the vote on a previous motion voted on at that meeting.
    - ii. A Motion to Reconsider can only be made by a member of the Board or committee who voted on the prevailing side of the previous vote.



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- iii. It must be seconded, but the seconder ~~does-need~~ not ~~have to~~ have been on the prevailing side of the previous vote.
- iv. It may be debated, and it opens up the motion to which it applies to debate.
- v. It requires a majority vote.
- vi. A Motion to Reconsider may be made and seconded while other business is pending, but debate and vote will not occur until the business on the floor has been completed.
- vii. All actions that came out of the original motion must be stayed immediately at the time the Motion to Reconsider is made and seconded.

### Voting Methods and Procedures

- 17. All votes shall comply with the Brown Act (Gov. Code § 54953).
- 18. The electronic voting system shall be the preferred means of voting for the Board because it allows for accurate recording of each vote.
- 19. The Board and committees may use voice votes for the convenience of the Board or committee in order to promote efficiency. When using voice votes, any member of the Board or committee may request a roll-call vote, or a show-of-hands vote in order to accurately record each Board or committee member’s vote.
- 20. All votes shall be recorded in the meeting minutes.

~~20.~~

### Voting Protocols for the Alternate Seventh Member of the Board

- 21. The alternate seventh member of the Board<sup>2</sup> will vote as a member of the Board under the following circumstances:
  - a. When one of the OCERS membership-elected Board members is absent from a board meeting for any cause, the alternate seventh member will vote in place of the absent Board member;

<sup>2</sup> The seventh member of the Board is a safety member elected by the safety members of the system. The alternate seventh member of the Board is the candidate from the group under Government Code §31470.2



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- b. When there is a vacancy with respect to any of the OCERS membership-elected Board members, the alternate seventh member will fill the vacancy and vote in place of the vacant Board position;
- c. When a member of the same service (i.e., sheriffs or fire) as the alternate seventh member is before the Board for determination of his or her retirement, the alternate seventh member will vote in place of the seventh member and the seventh member will not vote, unless one of the OCERS membership-elected Board members is absent or there is a vacancy with respect to any of the OCERS membership-elected Board members, in which case, both the seventh member and the alternate seventh member will vote on that determination, with the alternate seventh member voting for the absent or vacant Board member.

### Scope of Rules and Disputes

- 22. These rules should be used by the presiding officer, staff, and members of the Board or committee as guidelines for the conduct of meetings unless it is prudent to utilize a different procedure under the circumstances.
- 23. The presiding officer of the Board or committee meeting is responsible for the orderly conduct of the meeting. The presiding officer may call upon other Board or committee members, the secretary of the Board or committee, or counsel for assistance in resolving disputes.
- 24. Rulings by the presiding officer should be respected by all Board and committee members, but such rulings may be challenged in accordance with these rules.

### Rules Review

- 25. The Board of Retirement shall review these rules at least every three (3) years to ensure that they remain relevant and appropriate.

### Policy History

- 26. The Orange County Employees Retirement System Rules of Parliamentary Procedure were originally approved and adopted by the Board of Retirement on February 16, 2015, and were revised on December 19, 2016, October 16, 2017, November 13, 2017, March 18, 2019, June 20, 2022, ~~and~~ April 17, 2023, and.

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(sheriffs, etc.) or 31470.4 (firefighters, etc.) that is not represented by the seventh member, and who received the highest number of votes of all candidates in that group. (See Government Code §31520.1(a).)



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### Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

A handwritten signature in cursive script that reads "Steve Delaney".

04/17/2023

Steve Delaney  
Secretary of the Board

Date



## OCERS Board Policy

# OCERS Rules of Parliamentary Procedure

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### Purpose and Background

1. The Orange County Employees Retirement System Board of Retirement is committed to the principles of open and efficient government. The Board conducts regular meetings of the full board and various committees. The Board wishes to establish rules for the conduct of those meetings that are consistent with the Ralph M. Brown Act ("Brown Act") in order to ensure orderly meetings and to protect the rights of the Board, its individual members, OCERS members, plan sponsors, and members of the public.

### Basic Rules

2. All meetings of the Board and its committees shall adhere to the following basic rules of conduct:
  - a. The collective fiduciary interests of the Board and its committees supersede the rights of individual members of the Board. All members of the Board must adhere to the rules established by the Board. If there is a conflict between the rights of a member and the interests of the Board to conduct its business, the interests of the Board prevail.
  - b. All members of the Board are equal. All members of the Board have the following rights:
    - i. To hold office.
    - ii. To attend meetings.
    - iii. To make motions and speak in Board or committee deliberations.
    - iv. To nominate.
    - v. To vote.
  - c. A quorum must be present to conduct business. The By-Laws specify that a quorum for the conduct of a meeting of the full Board shall be five members present; a quorum for a meeting of the Investment Committee shall be five members present; and a quorum for a meeting of a standing committee of the Board, other than the Investment Committee, shall be two members present.
  - d. The majority rules. The minority has the right to be heard on issues up for deliberation before the Board or a committee. Once a decision has been made by the majority of Board members present and voting, the minority must respect and abide by the decision.
  - e. The Brown Act requires OCERS to publicly report the vote or abstention of each Board or committee member present. (Gov. Code § 54953 (c).) Therefore, each Board or committee member present shall vote or abstain in each vote of the Board or committee. Silence on a vote is not authorized under the Brown Act.
  - f. One question will be addressed at a time, and one speaker will speak at a time. A motion will be out of order if it does not directly relate to the question under consideration. Once a speaker



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has been recognized, he or she has the floor and should not be interrupted except in rare circumstances, such as by the Chair to maintain order or decorum.

- g. Members of the Board or committee shall have the opportunity to fully debate all debatable motions. A debatable motion may not be put to a vote as long as members of the Board or committee wish to continue the debate unless debate is suspended by majority vote of the Board or committee.
- h. Once a motion has been decided at a Board or committee meeting, it is out of order to bring up the same motion or a motion that is essentially the same at the same meeting unless it is brought through a Motion for Reconsideration.
- i. Remarks directed at another Board or committee member personally and not relating to the business of the Board or committee are out of order in a debate. Debate shall be limited to motions and not motives, principles, or personalities. The Chair may request that the speaker cease his or her out of order remarks.
- j. Board and standing committee meetings shall be conducted in accordance with the Brown Act (Gov. Code § 54950, et. seq.).
- k. The Board and its committees shall not conduct any business that has not been properly placed on the agenda and noticed to the public unless authorized by the Brown Act.

## Roles and Responsibilities of the Chair in the Conduct of Meetings

- 3. The Chair of the Board or committee shall be the presiding officer of the meeting. If the Chair of the Board or committee is absent, the Vice Chair shall serve as the presiding officer. In the event that both the Chair and the Vice Chair are absent from the meeting, the Chair shall appoint a presiding officer of the meeting from among the remaining members of the Board or committee who are entitled to vote during the meeting. The general responsibilities of the presiding officer are:
  - a. To ensure that the meeting starts on time and moves through the agenda in an expeditious manner. The presiding officer may take steps to prevent dissenting Board or committee members and members of the public from employing dilatory tactics to delay a meeting.
  - b. To ensure that Board and committee members and members of the public adhere to the published agenda, except as otherwise permitted by law.
  - c. To be familiar with these rules, OCERS' By-Laws, charters, and policies, and the customary practices of the Board and its committees.
  - d. To direct the orderly conduct of the meeting by recognizing speakers and reminding others that interruption of speakers who have the floor is out of order.
  - e. To impartially recognize members of the Board or committee and members of the public to speak during discussion of a motion. It shall be the presiding officer's prerogative to determine the timing of public comment; that is, whether public comment is taken before or during the Board members' discussion on each matter. In any event, the presiding officer should provide



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opportunity for Board and committee members and members of the public on all sides of a discussion to speak before the Board's action on the motion.

- f. To restate a motion before a vote is taken and to announce the results of the vote. The presiding officer may require a vote by roll call, show of hands, or any other means in order to clarify the results of the vote and permit the vote to be recorded accurately in the minutes of the meeting.
- g. To ensure that discussion is relevant and focused on the issue at hand. The presiding officer may request a Board or committee member or member of the public to confine his or her remarks to the motion under consideration.
- h. To ensure that public comment (1) on any matter within the jurisdiction of the Board or committee is permitted at each meeting of the Board or committee; (2) is limited to three minutes per speaker and to a total of 20 minutes per issue (with the exception of appearances on disability matters; see OCERS By-Laws); and (3) does not interfere with the orderly conduct of the meeting. The Chair of the Board or committee has the discretion to modify the time limit per speaker should, for example, it be necessary to shorten the time to accommodate a lengthy agenda or a large number of speakers. Similarly, the time limit per speaker may be lengthened to allow additional time for discussion on a complicated matter.
- i. To ensure that public comment is directed to the presiding officer, and not to staff, vendors, or consultants.
- j. To ensure that any requests made of staff, vendors or consultants to report back to the Board or committee, to place a matter of business on a future agenda of the Board or committee, or to otherwise commit staff time and OCERS resources are (1) made at the direction of the presiding officer; (2) with consensus of the Board or committee members; and (3) with due consideration of the burdens such requests will place on staff, consultants and OCERS resources and any other relevant concerns staff or consultants may identify.
- k. To ensure, before staff, a vendor or a consultant is directed by the presiding officer to respond to questions from, or to report or release additional information requested by, a member of the public during a meeting of the Board or committee, that the information is (1) relevant and appropriate to the subject matter of the meeting; and (2) public in nature.
- l. To declare the meeting adjourned at the conclusion of the business set forth on the agenda, or upon a successful motion to adjourn.

## Disruptions of Meetings

4. In the event any meeting is wilfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Chair of the Board or committee may:
  - a. Order the meeting room (including the Zoom meeting room) cleared and continue in session as follows:



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- i. Only matters appearing on the agenda may be considered in such a session.
    - ii. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend such a session.
  - b. Readmit to the session individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting, as the Chair deems appropriate.
5. In addition to the authority described in Section 4, above, the Chair of the Board or committee or their designee may remove or cause the removal of any individual for disrupting a meeting, provided that prior to removing an individual, the Chair or their designee warns the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. If they do not promptly cease their disruptive behavior, the Chair or their designee may then remove the individual.
- a. For purposes of this Section 5, “disrupting a meeting” means engaging in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable time limits for public comment established by the Board or committee or engaging in behavior that constitutes use of force, or a true threat of force that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.
6. For purposes of Sections 4 and 5, above, “removal from the meeting” includes physically removing the individual or individuals from the in-person meeting location and, in the case of a Zoom meeting, muting the microphone of the individual or individuals or placing them in the Zoom virtual waiting room.

### **Roles and Responsibilities of the CEO; Meeting Minutes**

7. The OCERS CEO or his or her designee shall be the secretary of the Board or committee meeting. The duties of the secretary of the meeting are:
- a. To prepare or cause to be prepared concise minutes of all meetings of the Board and its committees for approval by the Board at a subsequent meeting.
  - b. At a minimum, the secretary shall record the following in the minutes:
    - i. All members of the Board or committee present at the meeting.
    - ii. All adopted and defeated motions.
    - iii. The name of the maker and seconder of each motion and amendment.
    - iv. Names of all persons reporting or presenting to the Board or committee.
    - v. The identity and vote of each Board or committee member voting or abstaining from a vote.



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- c. The secretary need not record the following in the minutes:
  - i. Detailed discussion or personal opinions of members of the Board, committee, or members of the public.
  - ii. Motions that have been withdrawn.
  - iii. Full reports of committees.
- 8. The minutes of a meeting of the Board will be presented to the Board for approval, and the minutes of a meeting of a committee will be presented to that committee for approval, at the next meeting of the Board or committee, as applicable. In addition, because there are periodic changes in the membership of the committees, each current member of a committee is authorized to approve the minutes of meetings conducted prior to the individual becoming a member of the committee.

### Agendizing Matters for Board or Committee Consideration

- 9. In general, matters for Board or committee discussion may be placed on a meeting agenda by staff in the reasonable discretion of the CEO or by a Board or committee member by request to the Chair of the Board or committee.
  - a. The Board and its committees will make use of consent agendas whenever feasible to group items that do not require discussion or debate into a single voting package in order to expedite approval of routine matters.
  - b. Informational reports requested by the Board or a committee will be agendized and presented as information items and may be accepted without action by the Board or committee.
- 10. In the event that the Chair of the Board or committee refuses to place an item on the agenda, the Board or committee member making the request may appeal the decision to the full Board or committee at the next duly noticed meeting during the Board or committee member comments section of the meeting. The motion must receive a second to move forward. The Board or committee will then vote on the question of whether to place the requested matter on the agenda of the next available duly noticed Board or committee meeting.
  - a. If the Board or committee votes to place the item on the next available agenda, the matter shall be placed on that agenda and discussed by the Board or committee at the time noticed in the agenda.
  - b. If the Board or committee votes not to place the item on the next available agenda, the matter will be tabled.
  - c. In either case, no action will be taken on the matter after the vote so that any action item can be properly placed on an agenda pursuant to the Brown Act.
- 11. In the event that a Board or committee member proposes placing a matter on a future agenda during the Board or committee member comments section of the meeting, the presiding officer of the Board or committee may rule on the proposal prior to the end of the meeting. If the presiding



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officer does so rule at that meeting and refuses to place the proposed matter on a future agenda, the Board or committee member making the proposal may immediately exercise his or her appeal rights as described in Section 10 above.

## Types of Motions and Their Uses

### *Main Motions*

12. The motions are:

- a. The main motion is the means by which the Board and committee proposes action and does business. It is a proposal that a certain action be taken by the Board or committee, whether that action be to express an opinion, adopt a policy, make an expenditure of funds, enter into a contractual obligation, or take any other action that is within the power of the Board or committee.
- b. A main motion may be made by any qualified member of the Board or Committee; however, a motion can only be made concerning business that has been placed on the published agenda unless otherwise authorized by law.
- c. To introduce a main motion, a Board or committee member who has the floor should state, “**I move that...**”
- d. The presiding officer of the meeting may assist the Board or committee member in clarifying the motion.
- e. A main motion must be seconded unless the motion comes to the Board from a committee recommendation, since the motion has already been adopted by a committee of the Board..
- f. Debate is held on the main motion when the presiding officer states, “**Is there any discussion.**” The presiding officer shall provide all Board or committee members the opportunity to speak during the discussion of a main motion.
- g. A main motion may be amended.
- h. Passage of a main motion requires a simple majority vote.
- i. The presiding officer may require that lengthy motions be made in writing.
- j. The maker of the main motion has the right to speak first in support of the motion.
- k. A member may amend his or her own motion before it is restated by the presiding officer immediately preceding the vote on the motion. To be effective, the amendment must be agreed to by the seconder. Such an amendment by the maker of the motion shall not be considered a Motion to Amend or Substitute Motion.
- l. A member may withdraw his or her motion up until the time it is stated by the presiding officer immediately preceding the vote.



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### *Motions that are not in Order*

13. The motions are:
  - a. Motions that conflict with the By-Laws of OCERS.
  - b. Motions that repeat an issue that the Board or committee has already dealt with at the same meeting, unless made through a Motion for Reconsideration.
  - c. Motions that do not comply with the Brown Act, the County Employees Retirement Law of 1937, or other applicable law governing OCERS.
  - d. Motions that appear to the presiding officer to be dilatory, unintelligible, frivolous, or rude.
  - e. The presiding officer shall make rulings on whether a motion is out of order. The member making the motion has the right of appeal under Section 15 (b).

### *Subsidiary Motions*

14. The following motions are ranked lowest to highest in precedence:
  - a. Motion to Amend (Substitute Motion):
    - i. Motion to Amend changes the wording of a main motion and may be made at any time after the main motion has been seconded.
    - ii. A motion may be amended by:
      1. Adding words or phrases;
      2. Striking out words or phrases;
      3. Substituting by striking out and inserting new words; or
      4. Substituting an entire motion or paragraph
    - iii. An amendment to a motion must relate to the pending motion. No new business may be introduced under pretext of an amendment.
    - iv. Adoption of an amendment changes the motion. If the motion to amend is successful, the Board or committee must vote to adopt the motion as amended.
    - v. If the amendment is not successful, the original motion is on the floor as originally stated.
    - vi. An amendment may be amended one time so there may be a main motion, a primary amendment, and secondary amendment. A third amendment is not in order.
    - vii. Voting shall be in reverse order of how the motions were offered. Therefore, voting will be on the secondary amendment, if any, first; the primary amendment, second; and the main motion, third. Voting on the main motion and all amendments must be completed before a new main motion or any amendments may be offered.
    - viii. A Board or committee member must have the floor to offer an amendment.



## OCERS Board Policy

# OCERS Rules of Parliamentary Procedure

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- ix. An amendment must be seconded.
- x. An amendment is debatable if it is made to a debatable motion.
- xi. The presiding officer shall provide all Board or committee members the opportunity to speak during debate or discussion of a motion to amend.
- xii. A Motion to Amend requires a majority vote.
- b. Motion to Commit or Refer:
  - i. Motion to Commit or Refer sends the question on the floor to a committee or OCERS' staff for more careful study and preparation for discussion by the Board.
  - ii. The Motion to Commit or Refer should include specific direction as to which committee or staff shall study the question, whether the committee or staff will have authority to act, and when the committee or staff should report back to the Board.
  - iii. A Motion to Commit or Refer can be applied to any main motion, and any amendments pending on the main motion go with the motion to committee.
  - iv. A Motion to Commit or Refer must be seconded.
  - v. A Motion to Commit or Refer may be debated, but debate must be limited to the merits of sending the issue to a committee or staff.
  - vi. A Motion to Commit or Refer can be amended as to the committee or staff assigned to study the issue, and to the instructions to the committee or staff.
  - vii. A Motion to Commit or Refer requires a majority vote.
- c. Motion to Postpone
  - i. A Motion to Postpone delays action on a question until later in the same meeting or until a subsequent meeting.
  - ii. A Motion to Postpone may be applied to any main motion.
  - iii. A Motion to Postpone must be seconded.
  - iv. A Motion to Postpone may not interrupt a speaker who has the floor.
  - v. A Motion to Postpone may be debated; however, debate must be limited to the merits of postponing consideration of the question.
  - vi. A Motion to Postpone may be amended to change the time or length of postponement.
  - vii. The Motion to Postpone requires a majority vote.
  - viii. The postponed motion should be placed on a subsequent meeting agenda as appropriate.
- d. Motion to Limit Debate:
  - i. The Board or committee may use a Motion to Limit Debate to exercise control over debate by reducing the number and length of comments allowed or by requiring that debate stop at a time certain.



## OCERS Board Policy

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- ii. A Motion to Limit Debate may be used with any motion.
- iii. A Motion to Limit Debate must be seconded.
- iv. A Motion to Limit Debate is not debatable.
- v. A Motion to Limit Debate may be amended only as to the length of comments allowed or when the vote will be taken.
- vi. A Motion to Limit Debate requires a majority vote.
- vii. When a Motion to Limit Debate that imposes time limits is successful, the presiding officer will appoint a timekeeper and will inform speakers of when their time is up.
- e. Move the Previous Question:
  - i. Move the Previous Question is the motion used to end debate on a question in order to bring the Board or committee to an immediate vote.
  - ii. Move the Previous Question requires a second.
  - iii. The Previous Question motion is out of order if the main motion is debatable and has not received any debate.
  - iv. Previous Question may be applied to any question or motion that is before the Board or committee.
  - v. Previous Question may not be used to interrupt a speaker who has the floor.
  - vi. Previous Question may not be debated.
  - viii. Previous Question requires a majority vote.

### *Incidental Motions or Procedures*

15. The motions are:
- a. Point of Order
    - i. A Point of Order is used by a member of the Board or committee when that member feels the presiding officer is failing to operate within the Board or committee rules.
    - ii. Point of Order may be brought during discussion of any motion and may interrupt a speaker who has the floor.
    - iii. A Point of Order is not debatable.
    - iv. The presiding officer rules on the Point of Order motion.
    - v. The Point of Order cannot be amended.
  - b. Appeal



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- i. Appeal allows any two members of the Board or committee to challenge what they feel is an incorrect or unfair ruling by the presiding officer.
- ii. The question of Appeal is stated in the affirmative so that a majority vote sustains the ruling of the presiding officer.
- iii. Appeal requires a second.
- iv. If seconded, the Appeal requires the presiding officer to put his or her ruling to a vote of the Board or committee.
- v. The Appeal is debatable.
- vi. A majority vote against the ruling of the presiding officer is required to reverse it. Therefore, the question to be posed is, for example, "If you believe the presiding officer's ruling is correct, please vote 'yes;' and if you believe the presiding officer's ruling is incorrect, please vote 'no.'"
- c. Point of Information
  - i. Point of Information is used by a Board or committee member to obtain additional information regarding the subject being considered.
  - ii. Point of Information does not require a second or a vote.
  - iii. The presiding officer will ask the requesting Board or committee member what the Point is.
  - iv. Additional information will be provided by the staff or the speaker.
- d. Parliamentary Inquiry
  - i. A Parliamentary Inquiry allows the Board or committee members to seek parliamentary assistance.
  - ii. Parliamentary Inquiry does not require a second or a vote.
  - iii. The presiding officer will ask the requesting Board or committee member what the Inquiry is.
  - iv. The presiding officer will rule on the Inquiry after consulting with the secretary, counsel, or others familiar with parliamentary procedure.

### ***Restorative Motions***

- 16. The motions are:
  - a. Motion to Rescind
    - i. This motion is used to quash or nullify a previously adopted motion. It may be used to strike out an entire motion.



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# OCERS Rules of Parliamentary Procedure

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- ii. A Motion to Rescind is not in order when any action authorized by the previous vote has already been taken and cannot be undone (e.g., a contract has been executed with a vendor as a result of the previous vote).
- iii. A Motion to Rescind must be placed on the meeting agenda in order for the Board or committee to take action on it.
- iv. It must be seconded.
- v. It requires a majority vote.
- b. Motion to Reconsider
  - i. A Motion to Reconsider allows the Board or committee to reconsider the vote on a previous motion voted on at that meeting.
  - ii. A Motion to Reconsider can only be made by a member of the Board or committee who voted on the prevailing side of the previous vote.
  - iii. It must be seconded, but the seconder need not have been on the prevailing side of the previous vote.
  - iv. It may be debated, and it opens up the motion to which it applies to debate.
  - v. It requires a majority vote.
  - vi. A Motion to Reconsider may be made and seconded while other business is pending, but debate and vote will not occur until the business on the floor has been completed.
  - vii. All actions that came out of the original motion must be stayed immediately at the time the Motion to Reconsider is made and seconded.

## Voting Methods and Procedures

- 17. All votes shall comply with the Brown Act (Gov. Code § 54953).
- 18. The electronic voting system shall be the preferred means of voting for the Board because it allows for accurate recording of each vote.
- 19. The Board and committees may use voice votes for the convenience of the Board or committee in order to promote efficiency. When using voice votes, any member of the Board or committee may request a roll-call vote, or a show-of-hands vote in order to accurately record each Board or committee member's vote.
- 20. All votes shall be recorded in the meeting minutes.

## Voting Protocols for the Alternate Seventh Member of the Board



## OCERS Board Policy

# OCERS Rules of Parliamentary Procedure

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- 21. The alternate seventh member of the Board<sup>1</sup> will vote as a member of the Board under the following circumstances:
  - a. When one of the OCERS membership-elected Board members is absent from a board meeting for any cause, the alternate seventh member will vote in place of the absent Board member;
  - b. When there is a vacancy with respect to any of the OCERS membership-elected Board members, the alternate seventh member will fill the vacancy and vote in place of the vacant Board position;
  - c. When a member of the same service (i.e., sheriffs or fire) as the alternate seventh member is before the Board for determination of his or her retirement, the alternate seventh member will vote in place of the seventh member and the seventh member will not vote, unless one of the OCERS membership-elected Board members is absent or there is a vacancy with respect to any of the OCERS membership-elected Board members, in which case, both the seventh member and the alternate seventh member will vote on that determination, with the alternate seventh member voting for the absent or vacant Board member.

### Scope of Rules and Disputes

- 22. These rules should be used by the presiding officer, staff, and members of the Board or committee as guidelines for the conduct of meetings unless it is prudent to utilize a different procedure under the circumstances.
- 23. The presiding officer of the Board or committee meeting is responsible for the orderly conduct of the meeting. The presiding officer may call upon other Board or committee members, the secretary of the Board or committee, or counsel for assistance in resolving disputes.
- 24. Rulings by the presiding officer should be respected by all Board and committee members, but such rulings may be challenged in accordance with these rules.

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<sup>1</sup> The seventh member of the Board is a safety member elected by the safety members of the system. The alternate seventh member of the Board is the candidate from the group under Government Code §31470.2 (sheriffs, etc.) or 31470.4 (firefighters, etc.) that is not represented by the seventh member, and who received the highest number of votes of all candidates in that group. (See Government Code §31520.11(a).)



## OCERS Board Policy

# OCERS Rules of Parliamentary Procedure

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### Rules Review

- 25. The Board of Retirement shall review these rules at least every three (3) years to ensure that they remain relevant and appropriate.

### Policy History

- 26. The Orange County Employees Retirement System Rules of Parliamentary Procedure were originally approved and adopted by the Board of Retirement on February 16, 2015, and were revised on December 19, 2016, October 16, 2017, November 13, 2017, March 18, 2019, June 20, 2022, April 17, 2023, and .

### Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

A handwritten signature in blue ink that reads "Steve Delaney".

Steve Delaney  
Secretary of the Board

\_\_\_\_\_

Date



## Memorandum

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**DATE:** May 7, 2026  
**TO:** Members of the Governance Committee  
**FROM:** Manuel D. Serpa, General Counsel; Cynthia Hockless, Director of Human Resources  
**SUBJECT:** TRIENNIAL REVIEW OF THE ELECTION PROCEDURES POLICY

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### Recommendation

Approve and recommend that the Board adopt the revisions to the Election Procedures Policy.

### Background/Discussion

The Board of Retirement has established a review schedule requiring every charter and policy to be reviewed every 3 years. Pursuant to the board-approved review process, certain charters and policies are to be reviewed first by the Governance Committee before being presented to the Board for approval.

The Election Procedures Policy was adopted by the Board on October 15, 2001, and most recently amended on October 16, 2023. It is scheduled for review and approval by the Board in 2026, after the Governance Committee reviews it.

Staff recommends only non-substantive changes to the policy, including correcting typos and text edits to improve readability. The proposed revisions are set forth in underlined/strikeout text in the attached copy of the Election Procedures Policy. An unmarked version of the Policy is also attached for the Committee’s ease of review.

### Attachments

### Submitted by:



MDS-Approved

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Manuel D. Serpa  
General Counsel



## OCERS Board Policy Election Procedures

### Purpose

To provide for the lawful and orderly election of the Second, Third, Seventh, Eighth, and Alternate Members of the OCERS Board of Retirement (“Board”), consistent with the County Employees Retirement Law of 1937 (Gov. Code, § 31450, et seq.). Government Code § 31520.1 designates these Board Member positions to be filled as follows:

<b>Second</b> (General Member)	Elected by OCERS General Membership
<b>Third</b> (General Member)	Elected by OCERS General Membership
<b>Seventh</b> (Safety Member)	Elected by OCERS Safety Membership
<b>Eighth</b> (Retired Member)	Elected by OCERS Retired Membership
<b>Alternate Member</b>	The candidate in the election for the Seventh Member from the safety group under Gov. Code, Section 31470.25 other than the safety group of the successful candidate who received the most votes.

Each of the elected positions above serves a three-year term. Elections are held on the expiration of the term of office for any elected member or at the earliest date possible in the event of a vacancy.

### Definitions

**General Member/Safety Member:** OCERS members are divided into two (2) classes: general members and safety members. Safety members include employees whose principal duties are active law enforcement, probation, and active fire suppression.<sup>1</sup> All other active members of OCERS are general members.

<sup>1</sup> “Active law enforcement” personnel include all sheriffs, undersheriffs, assistant sheriffs, chief deputy sheriffs, captains, lieutenants, sergeants, jailers, turnkeys, deputy sheriffs, bailiffs, constables, deputy constables, motorcycle officers, aircraft pilots, detectives, investigators in the office of the district attorney, marshals and all regularly appointed deputy marshals (Gov. Code, § 31470.25).

“Safety member” also includes persons employed as probation officers, juvenile hall or juvenile home group counselors, and group supervisors who are primarily engaged in the control and custody of delinquent youths who must be detained under physical security in order not to be harmful to themselves or others (Gov. Code, § 31469.4).

“Active fire suppression” includes all county foresters, county firewardens, deputies or assistant county foresters, deputies or assistant county firewardens, firefighters, fire apparatus engineers, fire prevention inspectors, forest



## OCERS Board Policy Election Procedures

**Retired Member:** A member retired for either service or disability.

**Alternate Member:** The alternate member is that candidate, if any, for the Safety Member board position that is from the “active law enforcement” group (or any other Safety Member if there is no eligible “active law enforcement” candidate which is not represented by a board member), who received the highest number of votes of all candidates in that group, and will be referred to as the alternate seventh member. If there is no eligible candidate, there may not be an Alternate Member (Gov. Code, § 31520.1).

**Regular Election:** An election upon the expiration of a Board Member’s term of office is a “regular election.”

**Special Election:** An election necessary to fill a vacancy that occurs for a reason other than term expiration is referred to as a “special election.”

### Elections Process and Procedures

The Orange County Registrar of Voters (“Registrar”) will serve as the elections official for Board Member elections. The Registrar’s office and OCERS will agree on the process and procedures for the conduct of elections. Such process may be modified from time to time, and all candidates must comply with the Registrar’s then-existing elections process. OCERS staff will cooperate with the Registrar’s office to ensure that elections are held in a timely and efficient manner. OCERS will reimburse the Registrar for its actual costs in conducting Board Member elections.

The failure of a candidate or potential candidate to comply with the Registrar’s requirements or deadlines will result in their disqualification from that election.

### *Election Schedule*

At least 190 days before the expiration of the term of office of a Safety Member, General Member, or Retired Member, OCERS will pull from its records a list of members of the same category to be provided to the Registrar.

At least 140 days before the expiration of the term of office of a Safety Member, General Member, or

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firemen, fire patrolmen, aircraft pilots, and foremen assigned to fire suppression crews, all other personnel assigned to active fire suppression in any county forester’s or county firewarden’s department and all officers, engineers, and firemen of any county fire protection district, and all other personnel assigned to active fire suppression in any county fire protection district are eligible (Gov. Code, § 31470.4).



## OCERS Board Policy Election Procedures

Retired Member, the OCERS Chief Executive Officer (“CEO”) or their designee will notify the Registrar of the date of expiration and the need for a regular election. In addition, the CEO or their designee will notify the Registrar of the need for a special election promptly following a vacancy on the Board. The special election will be held as soon as practicable after the vacancy unless the Board determines that conducting an election during the remaining term of the vacant position is impractical.

OCERS will ~~to~~ develop an election schedule for each regular or special election and then coordinate the implementation of that schedule with the Registrar. The election schedule will include all relevant deadlines and mutually satisfactory timeframes to OCERS and the Registrar. To the extent practicable, the election schedule will avoid having ballots for OCERS elections sent to members during a time period when state or federal election ballots are also with voters. Among other things, the election schedule will provide the date on which the nomination period opens (“Nomination Period Open Date”) and the date on which the nomination period closes (“Nomination Period Close Date”). The election schedule will provide for a minimum of 30 days between the Nomination Period Open Date and the Nomination Period Close Date. The schedule will be posted on t-he OCERS’ website.

### ***Candidate Requirements***

The duties and obligations of Board Members are stated in the Board of Retirement Charter (a copy of which can be found on the OCERS website<sup>1</sup> and that will be provided to potential candidates by the Registrar). The Statement of Willingness to Serve (see below) includes an acknowledgment that the candidate has received and reviewed the Board of Retirement Charter and understands the obligations and expectations<sub>s</sub> of the position of [Trustee on the](#) Board of Retirement-~~Member~~.

Any current member of the respective election group (General, Safety, or Retired) who wishes to be considered for certification as a Board Member candidate must file all the required nomination documents with the Registrar’s Office no later than 5:00 p.m. on the Nomination Period Close Date as stated on the Registrar’s schedule for that election.

**The required nominations~~s~~ documents are as follows:**

1. Nomination Petition for Election
2. Statement of Willingness to Serve

A potential candidate may also file a Biographical Statement (see below).

### ***Nomination Petition for Election***

The Registrar will prepare the Nomination Petition for Election and make it, along with a copy of [the](#) OCERS Board of Retirement Charter, available to potential candidates at least 30 days before the Nomination Period Close Date (i.e., the deadline by which candidates must return completed forms to the Registrar).

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<sup>1</sup> [https://www.ocers.org/sites/main/files/file-attachments/board\\_of\\_retirement\\_charter.pdf?1692995766](https://www.ocers.org/sites/main/files/file-attachments/board_of_retirement_charter.pdf?1692995766)



## OCERS Board Policy Election Procedures

Candidates must complete the Nomination Petition for Election with the following information and signatures:

1. The name, address (work or home), and candidate signature.
2. The designation of the seat on the Board to which the candidate seeks election.
3. A ballot designation selected by the candidate that contains no more than ~~than~~ 40 characters.
4. All individuals signing the Nomination Petition for Election must be members of the election group at the time of signature. The printed name and last four digits of the signer’s social security number must accompany the signature. The Registrar will not accept electronic signatures.
5. The Nomination Petition for Election filed by a candidate for a General Member or Safety Member position must include at least seventy-five (75) signatures of current active employee members of OCERS from the same election group as the candidate for election.
6. The Nomination Petition for Election filed by a candidate for the Retired Member position must include at least twenty-five (25) signatures of retired members of OCERS.

### Statement of Willingness to Serve

Each candidate is required to file a Statement of Willingness to Serve, which consists of the following signed statement:

*I have received and reviewed the Board of Retirement Charter and understand the obligations and expectations of the position of Trustee on the Board of Retirement ~~Member~~.*

*I do hereby state that if I am elected, I am willing to serve faithfully and will execute the position of this office by attending meetings and fulfilling my fiduciary duties. I understand that additional time will be required for Committee assignments, which will be made by the Chairman of the Board.*

*Executed this \_\_\_\_\_ day of, [year] in [county], [state].*

\_\_\_\_\_  
*Signature of Candidate*

### Biographical Statement

Candidates may, at their option, submit to the Registrar a Biographical Statement consisting of no more than four hundred (400) words and provided in ~~pdf~~ PDF format or on a single sheet of 8 ½ by 11-inch paper of scanner/camera-ready quality. The deadline for the Biographical Statement is the same as that for the required nomination documents above, i.e., on the Nomination Period Close Date.



## OCERS Board Policy Election Procedures

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### ***Preparation of Ballots***

The Registrar will determine the order in which candidates' names will appear on the ballot by random drawing. The Registrar will notify all candidates of the time and place of the drawing at least one (1) day in advance.

The Registrar will print the ballots and envelopes that voters must use to return their completed ballots. OCERS will provide the Registrar with voter addresses based on OCERS' current member information. An active employee's work address will be provided if the personal address is unknown. The Registrar will mail a ballot, voter's pamphlet, and a ~~postage~~-paid return envelope to each eligible member no less than thirty-five (35) calendar days before the date the Registrar will tally the votes as indicated on the election schedule.

The envelopes to be used by the Registrar will be designed by OCERS, and an example envelope will be posted on the OCERS' website.

If there is only one qualified candidate for an office, no ballot will be printed, and no election will be held. The Registrar will notify the CEO and then prepare an Agenda Item Transmittal for the Orange County Board of Supervisors, and the Board of Supervisors will declare that candidate to be appointed to the Board for the term specified. If no eligible candidate is certified by the Registrar, the Registrar will notify the CEO and reschedule the election.

### ***Campaign Materials***

If a qualified candidate or other interested third-party wishes to request that OCERS send campaign material in support of or in opposition to a candidate, they must:

- Notify OCERS, and submit the materials in the format required by OCERS before the scheduled deadline.
- Include in the campaign materials the following disclaimer:
 

*These election materials are provided by [insert name of candidate or third party] and are not endorsed by the Orange County Employees Retirement System (OCERS). Neither OCERS, its Board, nor ~~their~~ agents ~~are~~ responsible for the content, format, or timeliness of these materials.*
- Deposit with the mailing service designated by OCERS an amount of money sufficient to cover the processing and postage costs of the campaign material.

OCERS will employ a mailing service that has entered into a confidentiality agreement with OCERS to send the campaign materials to members voting in an election. The mailing service will use the information provided to it only for the purpose of distributing campaign material.

### ***Voting Procedures***

1. After making their ballot selection(s), the voter must sign the outside of the provided envelope and return it to the Registrar with the completed ballot inside.



## OCERS Board Policy

# Election Procedures

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2. Ballots must be returned by the individual member either in person, via County of Orange “pony” mail, or by mail in the envelope provided by the Registrar.
3. Members should contact the Registrar ~~to should they need~~ request a replacement ballot.
4. ~~Ballots must be received by the Registrar on or before 5:00 p.m. on the date of the election. Ballots that are mailed must be postmarked on or before Election Day and received by the Registrar no later than seven (7) calendar days after Election Day.~~

4.

### **Election Certification**

The Registrar will notify the CEO and each candidate at least five (5) days in advance of the time and place of the tallying of ballots. The Registrar will prepare an election certification, certifying the candidate with the highest number of votes, and submit the certification to the Orange County Board of Supervisors on an Agenda Item Transmittal before the beginning of the term of the newly elected Board Member. A copy of the certification will be sent to the CEO and the OCERS Administrator.

The candidate certified by the Registrar as ~~winning~~ having won the election will take office the day after the expiration of ~~the term of~~ their predecessor's term. In the event of a tie vote and the need for a runoff election or a delay due to a ~~request for a~~ recount request, the incumbent will continue to serve in office until their successor is certified.

### **Recount**

A candidate may request ~~a recount of that ballots~~ the Registrar to perform ~~performed a by~~ recount the of Registrar ballots. A recount request must be in writing and filed with the Registrar within five (5) days of the Registrar's certification of the election.

The candidate making the request or a third party on behalf of the candidate will pay the cost of the recount. The Registrar will provide the ~~requestor~~ requester with an estimate of the cost, and a deposit of the estimated amount must be provided before the recount will be commenced. The recount will commence no more than seven (7) days ~~following the~~ after receipt of the request for a recount and continue on each ~~following~~ subsequent business day until concluded. The Registrar will notify the CEO and all candidates for the office being recounted and post a Notice of Recount at least one (1) day before the recount at the office of the Registrar.

A recount is only valid if every vote received per the Registrar's election procedures is recounted. The results will be posted in the office of the Registrar and at the OCERS' office.

### **Safety Member Elections**

When there is an election for the Safety Member, OCERS will advise the Registrar which of the eligible candidate(s) are engaged in active law enforcement (Law Enforcement Group); which are engaged in active fire suppression (Fire Suppression Group); and which are in any other safety group, e.g., probation (Other Safety Group). The candidate with the highest number of votes will be certified by the Registrar as the Safety Member regardless of their group.

The Safety Member candidate with the highest number of votes in a group other than that of the winner of the election will be certified as the Alternate Member of the Board, except that if there is a candidate from



## OCERS Board Policy Election Procedures

the Fire Suppression or Law Enforcement Group, a candidate from the Other Safety Group cannot be the Alternate Member, regardless of vote count.

The terms of office for the Safety Member and the Alternate Member will be the same. In the event of an Alternate Member vacancy before the end of that member’s term, a special election will be held to elect a successor to complete the unexpired term unless the Board determines that it is impractical to conduct an election during the remaining term period. Only safety members who are not members of the current Safety Member’s group will be eligible candidates. If there is an eligible candidate from either the Law Enforcement Group or Fire Suppression Group to succeed as the Alternate Member, no member from the Other Safety Group may be ~~candidates~~ a candidate. If there are no eligible candidates, there will be no successor Alternate Member. The candidate receiving the most votes will become the successor and serve out the unexpired term of the Alternate Member.

### Policy Review

The Board will review these procedures at least every three years to ensure that they remain relevant and appropriate.

### Policy History

These procedures were adopted by the Board on October 15, 2001. These procedures were revised on May 17, 2011, February 17, 2015, July 20, 2015, November 16, 2020, ~~and~~ October 16, 2023, and [date].

### Secretary’s Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

Steve Delaney  
Secretary of the Board

10/16/2023

Date



## OCERS Board Policy Election Procedures

### Purpose

To provide for the lawful and orderly election of the Second, Third, Seventh, Eighth, and Alternate Members of the OCERS Board of Retirement (“Board”), consistent with the County Employees Retirement Law of 1937 (Gov. Code, § 31450, et seq.). Government Code § 31520.1 designates these Board Member positions to be filled as follows:

<b>Second</b> (General Member)	Elected by OCERS General Membership
<b>Third</b> (General Member)	Elected by OCERS General Membership
<b>Seventh</b> (Safety Member)	Elected by OCERS Safety Membership
<b>Eighth</b> (Retired Member)	Elected by OCERS Retired Membership
<b>Alternate Member</b>	The candidate in the election for the Seventh Member from the safety group under Gov. Code, Section 31470.25 other than the safety group of the successful candidate who received the most votes.

Each of the elected positions above serves a three-year term. Elections are held on the expiration of the term of office for any elected member or at the earliest date possible in the event of a vacancy.

### Definitions

**General Member/Safety Member:** OCERS members are divided into two (2) classes: general members and safety members. Safety members include employees whose principal duties are active law enforcement, probation, and active fire suppression.<sup>1</sup> All other active members of OCERS are general members.

<sup>1</sup> “Active law enforcement” personnel include all sheriffs, undersheriffs, assistant sheriffs, chief deputy sheriffs, captains, lieutenants, sergeants, jailers, turnkeys, deputy sheriffs, bailiffs, constables, deputy constables, motorcycle officers, aircraft pilots, detectives, investigators in the office of the district attorney, marshals and all regularly appointed deputy marshals (Gov. Code, § 31470.25).

“Safety member” also includes persons employed as probation officers, juvenile hall or juvenile home group counselors, and group supervisors who are primarily engaged in the control and custody of delinquent youths who must be detained under physical security in order not to be harmful to themselves or others (Gov. Code, § 31469.4).

“Active fire suppression” includes all county foresters, county firewardens, deputies or assistant county foresters, deputies or assistant county firewardens, firefighters, fire apparatus engineers, fire prevention inspectors, forest firemen, fire patrolmen, aircraft pilots, and foremen assigned to fire suppression crews, all other personnel assigned



## OCERS Board Policy Election Procedures

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**Retired Member:** A member retired for either service or disability.

**Alternate Member:** The alternate member is that candidate, if any, for the Safety Member board position that is from the “active law enforcement” group (or any other Safety Member if there is no eligible “active law enforcement” candidate which is not represented by a board member), who received the highest number of votes of all candidates in that group, and will be referred to as the alternate seventh member. If there is no eligible candidate, there may not be an Alternate Member (Gov. Code, § 31520.1).

**Regular Election:** An election upon the expiration of a Board Member’s term of office is a “regular election.”

**Special Election:** An election necessary to fill a vacancy that occurs for a reason other than term expiration is referred to as a “special election.”

### Elections Process and Procedures

The Orange County Registrar of Voters (“Registrar”) will serve as the elections official for Board Member elections. The Registrar’s office and OCERS will agree on the process and procedures for the conduct of elections. Such process may be modified from time to time, and all candidates must comply with the Registrar’s then-existing elections process. OCERS staff will cooperate with the Registrar’s office to ensure that elections are held in a timely and efficient manner. OCERS will reimburse the Registrar for its actual costs in conducting Board Member elections.

The failure of a candidate or potential candidate to comply with the Registrar’s requirements or deadlines will result in their disqualification from that election.

### *Election Schedule*

At least 190 days before the expiration of the term of office of a Safety Member, General Member, or Retired Member, OCERS will pull from its records a list of members of the same category to be provided to the Registrar.

At least 140 days before the expiration of the term of office of a Safety Member, General Member, or Retired Member, the OCERS Chief Executive Officer (“CEO”) or their designee will notify the Registrar of the date of expiration and the need for a regular election. In addition, the CEO or their designee will notify the Registrar of the need for a special election promptly following a vacancy on the Board. The special election will be held as soon as practicable after the vacancy unless the Board determines that conducting an election during the remaining term of the vacant position is impractical.

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to active fire suppression in any county forester’s or county firewarden’s department and all officers, engineers, and firemen of any county fire protection district, and all other personnel assigned to active fire suppression in any county fire protection district are eligible (Gov. Code, § 31470.4).



## OCERS Board Policy Election Procedures

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OCERS will develop an election schedule for each regular or special election and then coordinate the implementation of that schedule with the Registrar. The election schedule will include all relevant deadlines and mutually satisfactory timeframes to OCERS and the Registrar. To the extent practicable, the election schedule will avoid having ballots for OCERS elections sent to members during a time period when state or federal election ballots are also with voters. Among other things, the election schedule will provide the date on which the nomination period opens (“Nomination Period Open Date”) and the date on which the nomination period closes (“Nomination Period Close Date”). The election schedule will provide for a minimum of 30 days between the Nomination Period Open Date and the Nomination Period Close Date. The schedule will be posted on the OCERS’ website.

### ***Candidate Requirements***

The duties and obligations of Board Members are stated in the Board of Retirement Charter (a copy of which can be found on the OCERS website<sup>1</sup> and that will be provided to potential candidates by the Registrar). The Statement of Willingness to Serve (see below) includes an acknowledgment that the candidate has received and reviewed the Board of Retirement Charter and understands the obligations and expectations of the position of Trustee on the Board of Retirement.

Any current member of the respective election group (General, Safety, or Retired) who wishes to be considered for certification as a Board Member candidate must file all the required nomination documents with the Registrar’s Office no later than 5:00 p.m. on the Nomination Period Close Date as stated on the Registrar’s schedule for that election.

**The required nomination documents are as follows:**

1. Nomination Petition for Election
2. Statement of Willingness to Serve

A potential candidate may also file a Biographical Statement (see below).

### ***Nomination Petition for Election***

The Registrar will prepare the Nomination Petition for Election and make it, along with a copy of the OCERS Board of Retirement Charter, available to potential candidates at least 30 days before the Nomination Period Close Date (i.e., the deadline by which candidates must return completed forms to the Registrar). Candidates must complete the Nomination Petition for Election with the following information and signatures:

1. The name, address (work or home), and candidate signature.
2. The designation of the seat on the Board to which the candidate seeks election.
3. A ballot designation selected by the candidate that contains no more than 40 characters.

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<sup>1</sup> [https://www.ocers.org/sites/main/files/file-attachments/board\\_of\\_retirement\\_charter.pdf?1692995766](https://www.ocers.org/sites/main/files/file-attachments/board_of_retirement_charter.pdf?1692995766)



## OCERS Board Policy Election Procedures

4. All individuals signing the Nomination Petition for Election must be members of the election group at the time of signature. The printed name and last four digits of the signer’s social security number must accompany the signature. The Registrar will not accept electronic signatures.
5. The Nomination Petition for Election filed by a candidate for a General Member or Safety Member position must include at least seventy-five (75) signatures of current active employee members of OCERS from the same election group as the candidate for election.
6. The Nomination Petition for Election filed by a candidate for the Retired Member position must include at least twenty-five (25) signatures of retired members of OCERS.

### **Statement of Willingness to Serve**

Each candidate is required to file a Statement of Willingness to Serve, which consists of the following signed statement:

*I have received and reviewed the Board of Retirement Charter and understand the obligations and expectations of the position of Trustee on the Board of Retirement.*

*I do hereby state that if I am elected, I am willing to serve faithfully and will execute the position of this office by attending meetings and fulfilling my fiduciary duties. I understand that additional time will be required for Committee assignments, which will be made by the Chairman of the Board.*

*Executed this \_\_\_\_\_ day of, [year] in [county], [state].*

\_\_\_\_\_  
*Signature of Candidate*

### **Biographical Statement**

Candidates may, *at their option*, submit to the Registrar a Biographical Statement consisting of no more than four hundred (400) words and provided in PDF format or on a single sheet of 8 ½ by 11-inch paper of scanner/camera-ready quality. The deadline for the Biographical Statement is the same as that for the required nomination documents above, i.e., on the Nomination Period Close Date.

### **Preparation of Ballots**

The Registrar will determine the order in which candidates’ names will appear on the ballot by random drawing. The Registrar will notify all candidates of the time and place of the drawing at least one (1) day in advance.

The Registrar will print the ballots and envelopes that voters must use to return their completed ballots. OCERS will provide the Registrar with voter addresses based on OCERS’ current member information. An active employee’s work address will be provided if the personal address is unknown. The Registrar will mail a ballot, voter’s pamphlet, and a postage-paid return envelope to each eligible member no less than thirty-five (35) calendar days before the date the Registrar will tally the votes as indicated on the election schedule.

The envelopes to be used by the Registrar will be designed by OCERS, and an example envelope will be posted on the OCERS’ website.



## OCERS Board Policy Election Procedures

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If there is only one qualified candidate for an office, no ballot will be printed, and no election will be held. The Registrar will notify the CEO and then prepare an Agenda Item Transmittal for the Orange County Board of Supervisors, and the Board of Supervisors will declare that candidate to be appointed to the Board for the term specified. If no eligible candidate is certified by the Registrar, the Registrar will notify the CEO and reschedule the election.

### **Campaign Materials**

If a qualified candidate or other interested third-party wishes to request that OCERS send campaign material in support of or in opposition to a candidate, they must:

- Notify OCERS, and submit the materials in the format required by OCERS before the scheduled deadline.
- Include in the campaign materials the following disclaimer:
 

*These election materials are provided by [insert name of candidate or third party] and are not endorsed by the Orange County Employees Retirement System (OCERS). Neither OCERS, its Board, nor its agents is responsible for the content, format, or timeliness of these materials.*
- Deposit with the mailing service designated by OCERS an amount of money sufficient to cover the processing and postage costs of the campaign material.

OCERS will employ a mailing service that has entered into a confidentiality agreement with OCERS to send the campaign materials to members voting in an election. The mailing service will use the information provided to it only for the purpose of distributing campaign material.

### **Voting Procedures**

1. After making their ballot selection(s), the voter must sign the outside of the provided envelope and return it to the Registrar with the completed ballot inside.
2. Ballots must be returned by the individual member either in person, via County of Orange "pony" mail, or by mail in the envelope provided by the Registrar.
3. Members should contact the Registrar to request a replacement ballot.
4. Ballots must be received by the Registrar on or before 5:00 p.m. on the date of the election. Ballots that are mailed must be postmarked on or before Election Day and received by the Registrar no later than seven (7) calendar days after Election Day.

### **Election Certification**

The Registrar will notify the CEO and each candidate at least five (5) days in advance of the time and place of the tallying of ballots. The Registrar will prepare an election certification certifying the candidate with the highest number of votes and submit the certification to the Orange County Board of Supervisors on an Agenda Item Transmittal before the beginning of the term of the newly elected Board Member. A copy of the certification will be sent to the CEO and the OCERS Administrator.

The candidate certified by the Registrar as having won the election will take office the day after the expiration of their predecessor's term. In the event of a tie vote and the need for a runoff election or a



## OCERS Board Policy Election Procedures

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delay due to a recount request, the incumbent will continue to serve in office until their successor is certified.

### ***Recount***

A candidate may request that the Registrar perform a recount of ballots. A recount request must be in writing and filed with the Registrar within five (5) days of the Registrar's certification of the election.

The candidate making the request or a third party on behalf of the candidate will pay the cost of the recount. The Registrar will provide the requester with an estimate of the cost, and a deposit of the estimated amount must be provided before the recount will be commenced. The recount will commence no more than seven (7) days after receipt of the request for a recount and continue on each subsequent business day until concluded. The Registrar will notify the CEO and all candidates for the office being recounted and post a Notice of Recount at least one (1) day before the recount at the office of the Registrar.

A recount is only valid if every vote received per the Registrar's election procedures is recounted. The results will be posted in the office of the Registrar and at the OCERS' office.

### ***Safety Member Elections***

When there is an election for the Safety Member, OCERS will advise the Registrar which of the eligible candidates are engaged in active law enforcement (Law Enforcement Group); which are engaged in active fire suppression (Fire Suppression Group); and which are in any other safety group, e.g., probation (Other Safety Group). The candidate with the highest number of votes will be certified by the Registrar as the Safety Member regardless of their group.

The Safety Member candidate with the highest number of votes in a group other than that of the winner of the election will be certified as the Alternate Member of the Board, except that if there is a candidate from the Fire Suppression or Law Enforcement Group, a candidate from the Other Safety Group cannot be the Alternate Member, regardless of vote count.

The terms of office for the Safety Member and the Alternate Member will be the same. In the event of an Alternate Member vacancy before the end of that member's term, a special election will be held to elect a successor to complete the unexpired term unless the Board determines that it is impractical to conduct an election during the remaining term period. Only safety members who are not members of the current Safety Member's group will be eligible candidates. If there is an eligible candidate from either the Law Enforcement Group or Fire Suppression Group to succeed as the Alternate Member, no member from the Other Safety Group may be a candidate. If there are no eligible candidates, there will be no successor Alternate Member. The candidate receiving the most votes will become the successor and serve out the unexpired term of the Alternate Member.

### **Policy Review**

The Board will review these procedures at least every three years to ensure that they remain relevant and appropriate.



## OCERS Board Policy Election Procedures

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### Policy History

These procedures were adopted by the Board on October 15, 2001. These procedures were revised on May 17, 2011, February 17, 2015, July 20, 2015, November 16, 2020, October 16, 2023, and [date].

### Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

A handwritten signature in blue ink that reads "Steve Delaney".

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Steve Delaney  
Secretary of the Board

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Date



## Memorandum

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**DATE:** May 7, 2026  
**TO:** Members of the Governance Committee  
**FROM:** Steve Delaney, CEO; Manuel Serpa, General Counsel  
**SUBJECT:** TRIENNIAL REVIEW OF THE CEO CHARTER

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### Recommendation

Approve and recommend that the Board adopt the CEO Charter with no revisions.

### Discussion

The Board of Retirement has established a review schedule requiring that every charter and policy be reviewed every 3 years. Under the board-approved review process, the Governance Committee will first review certain charters and policies before presentation to the Board for approval. The Board adopted the CEO Charter on November 18, 2002, and most recently amended it on October 20, 2025.

Staff is not recommending any changes to the charter at this time. A copy of the CEO Charter is attached for the Committee's ease of review.

### Attachments

### Submitted by:



SD-Approved

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Steve Delaney  
CEO

### Submitted by:



MDS-Approved

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Manuel Serpa  
General Counsel



## OCERS Board Charter CEO Charter

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### Introduction

1. The Board of Retirement (Board) will appoint a Chief Executive Officer (CEO) who will serve at its pleasure. The CEO is the most senior executive of OCERS and is not subject to county civil service and merit system rules. This charter sets out the roles and responsibilities of the CEO.

### Duties and Responsibilities

#### *Leadership and Policy Analysis*

2. The CEO will provide leadership for the OCERS staff in implementing the programs necessary to achieve the mission, goals and objectives established by the Board. The CEO will manage the day-to-day affairs of OCERS in accordance with policies established by the Board, and may delegate duties to senior management as necessary. In so doing, the CEO will solicit advice and counsel from the Board, the Board Chair, or individual Board members, as appropriate.
3. The CEO will provide support to the Board and its committees in establishing all policies of the Board including identifying and analyzing issues requiring Board policy, and providing well-supported policy recommendations for consideration by the Board or its committees.
4. The CEO will be responsible for ensuring that all policies of the Board and provisions of the County Employees Retirement Law, with the exception of governance policies pertaining to the conduct of the Board, are properly implemented.

#### *Governance*

5. The CEO will:
  - a. Recommend to the Governance Committee policies to help ensure appropriate governance practices;
  - b. Implement Board-approved governance policies, charters, and By-Laws; and
  - c. Assist with Board member education and travel.
6. The CEO will serve as Secretary to the Board and, as such, will carry out the following duties:
  - a. Coordinate meetings, agendas, schedules and presentations for both Board and committee meetings in accordance with the Ralph M Brown Act (California Government Code §§54950, *et seq.*);
  - b. Maintain minutes of Board and committee meetings;
  - c. Sign minutes upon approval of the Board;
  - d. Sign subpoenas; and
  - e. Serve as OCERS' filing officer for purpose of compliance with the California Political Reform Act and regulations of the Fair Political Practices Commission.



## OCERS Board Charter CEO Charter

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### *Investments*

7. The CEO will:
  - a. Employ a Chief Investment Officer (CIO) with appropriate education and experience in institutional investing;
  - b. Carry out the duties described in this section through the CIO and other professional investment staff;
  - c. Recommend to the Investment Committee an Investment Policy Statement which will include investment objectives;
  - d. Recommend to the Investment Committee strategies for achieving OCERS' investment objectives;
  - e. Ensure the implementation of the strategies approved by the Board by establishing manager structures for each asset class, which includes among other things determining:
    - i. The number of investment manager mandates to be established; and
    - ii. The size of each investment manager mandate.
  - f. Ensure execution of portfolio rebalancing and portfolio transitions;
  - g. Ensure that necessary research is performed into investment trends, issues and opportunities that may have implications for the OCERS investment program;
  - h. Ensure all necessary investment manager due diligence is performed in accordance with the Investment Policy Statement of the Board; and
  - i. Oversee the CIO's hiring and termination of investment managers.

### *Benefits Administration*

8. The CEO will:
  - a. Recommend to the Board, as necessary, policies to ensure effective and efficient administration of member benefits;
  - b. Ensure accurate payment of benefits to members, and address problems or errors in accordance with established policies and procedures;
  - c. In consultation with medical evaluators and legal counsel, recommend disability applications to the Board and the Disability Committee for each of their consideration;
  - d. Maintain accurate records of member accounts;
  - e. Ensure delivery of high standards of service to members including calculations and counseling; and
  - f. Develop staff policies and procedures to ensure effective and efficient administration of member benefits.



## OCERS Board Charter CEO Charter

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### *Operations*

9. The CEO will:
  - a. Recommend to the Board, as appropriate, Board policies designed to help ensure effective operations;
  - b. Develop and recommend to the Board a Strategic and Business Plan and updates to the plan as necessary;
  - c. Recommend the annual Operating Budget to the Board;
  - d. Transfer funds within a category of expenditures (i.e., Salaries and Benefits; Services and Supplies; Capital Projects) within the approved Operating Budget;
  - e. Execute contractual agreements in accordance with the Procurement and Contracting Policy and authorize payments related to the administration of OCERS, consistent with the Operating Budget and OCERS' internal controls;
  - f. Account for and ensure appropriate collection, deposit and distribution of funds as required;
  - g. Implement internal operational control policies;
  - h. Ensure the appropriate design, acquisition, implementation, and maintenance of all technological systems required to administer OCERS;
  - i. Maintain the records of OCERS in a permanent and readily accessible format and in accordance with the Record Retention Policy and Guidelines;
  - j. Assist the Audit Committee in coordinating operational audits; and
  - k. Maintain an effective working relationship with the County, other participating employers and key stakeholders such as REAOC and member labor unions.

### *Finance, Actuarial and Accounting*

10. The CEO will:
  - a. Recommend to the Audit Committee as appropriate, financial and accounting policies;
  - b. Implement appropriate internal financial controls to safeguard the assets of the OCERS;
  - c. Assist the Audit Committee in coordinating the annual financial audit;
  - d. Coordinate the actuarial valuation, actuarial experience studies, and actuarial audits;
  - e. Cause to be prepared an annual comprehensive financial report on the operations of OCERS for Board approval; and
  - f. File in the office of the County Auditor and with the Board of Supervisors a sworn statement which will exhibit the financial condition of the OCERS at the close of the preceding calendar year and its financial transactions for the year ending on that day as required by Government Code §31597.



## OCERS Board Charter CEO Charter

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### *Human Resources*

11. The CEO will:
  - a. Recommend human resources and compensation policies to the Board;
  - b. Assess the human resources needs of OCERS and its employees and establish and implement appropriate human resources programs, procedures and employee benefits, consistent with the human resources and compensation policies of the Board;
  - c. Hire, manage and terminate senior management, and approve all personnel decisions concerning OCERS staff; and
  - d. Implement and lead agency training, talent development and succession planning.

### *Legislation and Litigation*

12. The CEO will:
  - a. Recommend legislative proposals for approval by the Board;
  - b. Conduct and oversee the assigning, directing, and handling of litigation, claims, demands, disputes or legal proceedings involving OCERS and report material developments in these matters to the Board on a timely basis;
  - c. In consultation with legal counsel, provide recommendations to the Board concerning the initiation and settlement of litigation, including administrative appeals, involving OCERS; and
  - d. Oversee the development and implementation of plans to comply with newly enacted legislation and court rulings, as applicable.

### *Communications*

13. The CEO will:
  - a. Ensure effective and timely communications with stakeholders on matters relating to the administration of OCERS. Such communications may include press releases, newsletters, presentations, and internet communications; and
  - b. In situations that call for an official spokesperson to speak on behalf of OCERS, jointly determine with the Chair, on an issue-by-issue basis, who will act in such capacity.

### *Appointment of Service Providers*

14. The CEO will cause the necessary due diligence to be performed for Named Service Providers, as listed in the Board Procurement and Contracting Policy, and will provide the Board with appropriate recommendations, in accordance with the Procurement and Contracting Policy and the Investment Policy Statement of the Board.
15. The CEO may hire other service providers, consistent with the Operating Budget and the Procurement and Contracting Policy and other policies of the Board, provided that the Board has not specifically retained the authority to hire such service providers.



## OCERS Board Charter CEO Charter

### *Monitoring and Reporting*

16. The CEO will provide the Board with relevant, appropriate, and timely information to enable it to properly carry out its oversight and fiduciary responsibilities. Furthermore, the CEO will apprise the Board in a timely manner of all significant issues, problems, or developments pertaining to OCERS and provide recommended courses of action as appropriate.
17. The CEO will:
  - a. Oversee the regular review of all policies of OCERS to ensure they are being followed and continue to meet OCERS' needs;
  - b. Oversee the activities of the Investment Division and report annually to the Board regarding the administrative oversight of the division, including identifying any issues that arose during the reporting period;
  - c. Oversee the funded status of OCERS and all issues that may reasonably have a significant impact on such status;
  - d. Oversee the investment performance of the Fund, the component asset classes, and the investment managers retained to manage the assets of the Fund ;
  - e. Oversee management's response to the findings of the annual financial audit, and of any internal audits that may be performed;
  - f. Oversee employees and service providers of OCERS to ensure compliance with the OCERS policies;
  - g. Oversee the activities and performance of key service providers including the actuary, financial auditor, investment consultant, legal counsel, and custodian on a regular basis;
  - h. Oversee the activities and performance of senior management;
  - i. Oversee the collection of all payments due to OCERS and the payment of all amounts due by OCERS to ensure accuracy and timeliness;
  - j. Oversee OCERS' compliance with applicable laws and regulations; and
  - k. In conjunction with legal counsel, oversee the status of all claims, demands, disputes, and legal proceedings involving OCERS and report to the Board as appropriate.

### **Emergency Authority**

18. In emergency situations, the CEO, after making reasonable attempts to contact the Board Chair and Vice Chair, will have the authority to act on matters not expressly stated within this charter provided that:
  - a. The action is, in the CEO's judgment, necessary to protect the System, its employees, the Fund, or System assets from loss or harm that is reasonably likely to occur if action is delayed for the scheduling of a notices meeting of the Board or its committees; and



## OCERS Board Charter CEO Charter

- b. The CEO promptly reports to the Board the emergency action taken, and the reasons why the CEO determined action was immediately necessary.

### Charter Review

- 19. The Governance Committee will review this charter at least once every three (3) years and recommend any amendments to the Board for approval as necessary to ensure that the charter remains relevant and appropriate.
- 20. This charter was adopted by the Board on November 18, 2002, and amended on August 25, 2008, July 20, 2015, April 18, 2018, March 18, 2019, April 17, 2023, ~~and~~ October 20, 2025, and.

### Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

10/20/2025

Steve Delaney  
Secretary of the Board

Date



## OCERS Board Charter CEO Charter

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3. The CEO will provide support to the Board and its committees in establishing all policies of the Board including identifying and analyzing issues requiring Board policy, and providing well-supported policy recommendations for consideration by the Board or its committees.
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## OCERS Board Charter CEO Charter

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  - b. Develop and recommend to the Board a Strategic and Business Plan and updates to the plan as necessary;
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  - i. Maintain the records of OCERS in a permanent and readily accessible format and in accordance with the Record Retention Policy and Guidelines;
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  - c. Assist the Audit Committee in coordinating the annual financial audit;
  - d. Coordinate the actuarial valuation, actuarial experience studies, and actuarial audits;
  - e. Cause to be prepared an annual comprehensive financial report on the operations of OCERS for Board approval; and
  - f. File in the office of the County Auditor and with the Board of Supervisors a sworn statement which will exhibit the financial condition of the OCERS at the close of the preceding calendar year and its financial transactions for the year ending on that day as required by Government Code §31597.



## OCERS Board Charter CEO Charter

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12. The CEO will:
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  - c. In consultation with legal counsel, provide recommendations to the Board concerning the initiation and settlement of litigation, including administrative appeals, involving OCERS; and
  - d. Oversee the development and implementation of plans to comply with newly enacted legislation and court rulings, as applicable.

### *Communications*

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### *Appointment of Service Providers*

14. The CEO will cause the necessary due diligence to be performed for Named Service Providers, as listed in the Board Procurement and Contracting Policy, and will provide the Board with appropriate recommendations, in accordance with the Procurement and Contracting Policy and the Investment Policy Statement of the Board.
15. The CEO may hire other service providers, consistent with the Operating Budget and the Procurement and Contracting Policy and other policies of the Board, provided that the Board has not specifically retained the authority to hire such service providers.



## OCERS Board Charter CEO Charter

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### *Monitoring and Reporting*

16. The CEO will provide the Board with relevant, appropriate, and timely information to enable it to properly carry out its oversight and fiduciary responsibilities. Furthermore, the CEO will apprise the Board in a timely manner of all significant issues, problems, or developments pertaining to OCERS and provide recommended courses of action as appropriate.
17. The CEO will:
  - a. Oversee the regular review of all policies of OCERS to ensure they are being followed and continue to meet OCERS' needs;
  - b. Oversee the activities of the Investment Division and report annually to the Board regarding the administrative oversight of the division, including identifying any issues that arose during the reporting period;
  - c. Oversee the funded status of OCERS and all issues that may reasonably have a significant impact on such status;
  - d. Oversee the investment performance of the Fund, the component asset classes, and the investment managers retained to manage the assets of the Fund ;
  - e. Oversee management's response to the findings of the annual financial audit, and of any internal audits that may be performed;
  - f. Oversee employees and service providers of OCERS to ensure compliance with the OCERS policies;
  - g. Oversee the activities and performance of key service providers including the actuary, financial auditor, investment consultant, legal counsel, and custodian on a regular basis;
  - h. Oversee the activities and performance of senior management;
  - i. Oversee the collection of all payments due to OCERS and the payment of all amounts due by OCERS to ensure accuracy and timeliness;
  - j. Oversee OCERS' compliance with applicable laws and regulations; and
  - k. In conjunction with legal counsel, oversee the status of all claims, demands, disputes, and legal proceedings involving OCERS and report to the Board as appropriate.

### *Emergency Authority*

18. In emergency situations, the CEO, after making reasonable attempts to contact the Board Chair and Vice Chair, will have the authority to act on matters not expressly stated within this charter provided that:
  - a. The action is, in the CEO's judgment, necessary to protect the System, its employees, the Fund, or System assets from loss or harm that is reasonably likely to occur if action is delayed for the scheduling of a notices meeting of the Board or its committees; and



## OCERS Board Charter CEO Charter

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- b. The CEO promptly reports to the Board the emergency action taken, and the reasons why the CEO determined action was immediately necessary.

### Charter Review

- 19. The Governance Committee will review this charter at least once every three (3) years and recommend any amendments to the Board for approval as necessary to ensure that the charter remains relevant and appropriate.
- 20. This charter was adopted by the Board on November 18, 2002, and amended on August 25, 2008, July 20, 2015, April 18, 2018, March 18, 2019, April 17, 2023, October 20, 2025, and .

### Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

A handwritten signature in blue ink that reads "Steve Delaney".

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Steve Delaney  
Secretary of the Board

Date



## Memorandum

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**DATE:** May 7, 2026  
**TO:** Members of the Governance Committee  
**FROM:** Joon Kim, Staff Attorney  
**SUBJECT:** REVIEW OF THE OAP ON RECIPROCITY

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### Recommendation

Approve and recommend that the Board adopt revisions to the OCERS Administrative Procedure (OAP) regarding Reciprocity.

### Discussion

OCERS Administrative Procedure (OAP) regarding Reciprocity was adopted June 19, 2023, and has not been revised since that time. The proposed revisions include two substantive updates.

First, language has been added to **Section IV. Requirements of Reciprocity**, under the subheading of **Breaking Reciprocity**, to provide clarity regarding OCERS procedure when a member breaks reciprocity. For example, when a member retires from their outgoing (former system) while continuing active service with OCERS:

- A new contribution rate will be applied prospectively based on their age at entry into OCERS;
- Legacy status, if applicable, will remain intact.
- Vesting and retirement eligibility with OCERS will be based only on years of service with OCERS.
- At retirement with OCERS, only compensation earned during service with OCERS will be considered when determining the member's final average salary.

Second, OCERS procedure for applying a disability offset to reciprocal members is revised to conform to the express language of Government Code section 31838.5, which states in relevant part:

No provision of this chapter shall be construed to authorize any member, credited with service in more than one entity and who is eligible for a disability allowance, whether service connected or nonservice connected to receive an amount from one county that, when combined with any amount from other counties or the Public Employees' Retirement System, results in a disability allowance greater than the amount the member would have received had all the member's service been with only one entity.

The current OAP states that when the "first system" is paying only an annuity, OCERS will *not* apply any offset to disability retirement benefits payable by OCERS. However, the plain language of Section 31838.5 states the offset applies in all instances, and nothing within "this chapter" (i.e., the CERL) authorizes a *reciprocal* member retiring for disability to receive an amount greater than the amount the member would have received had all the member's service been with only one system.

Other non-substantive changes were also made to improve readability of the OAP. All proposed revisions are set forth in underlined/strikeout text in the attached copy of the OAP regarding Reciprocity. An unmarked version of the OAP is also attached for the Committee's ease of review.

### Attachments

**Submitted by:**



**JK - Approved**

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Joon Kim  
Staff Attorney



## OCERS Administrative Procedure (OAP) Reciprocity

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### I. Purpose

The purpose of this OCERS administrative procedure (OAP) is to describe how OCERS' Board of Retirement (Board) applies the rules governing reciprocity.

### II. Authority

This OAP is established pursuant to the Chief Executive Officer (CEO) Charter, section 8.f., which directs the CEO to develop staff policies and procedures to ensure effective and efficient administration of member benefits. The OAP is in conformance with Board Policy, the County Employees Retirement Law (California Government Code section 31450, et seq.) (CERL), and the Public Employees' Pension Reform Act (Government Code, sections 7522 - 7522.74) (PEPRA).

### III. Overview

"Reciprocity" under the CERL refers to the relationship between certain specified California retirement systems that permits public employees to move between those systems without losing the rights and benefits they already earned.<sup>1</sup> Reciprocal retirement systems can protect an employee's earned retirement benefits when those employees enter employment with a reciprocal system within six months (180 days) of terminating employment with the prior system. They do so by enabling a public employee to count all their years of qualifying public service as a single unbroken career with the payment of their total retirement allowance apportioned among each participating system. Reciprocity applies to an OCERS member when the member has worked for a California public retirement system that has reciprocity with OCERS and meets the requirements set forth below.

The reciprocity rules are intended to encourage career public service by eliminating the adverse consequences of having to start over again in a new retirement system. The rules also delineate the financial obligations of each system, so they are shared equitably.<sup>2</sup>

The following systems have reciprocity with OCERS:

#### County Retirement Systems

Alameda  
Contra Costa  
Fresno  
Imperial

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<sup>1</sup> Gov. Code, §§ 31830-31840.8 govern reciprocal retirement benefits granted to public employees who are entitled to retirement rights and benefits from two or more retirement systems that are subject to the reciprocity rules. Under the Public Employees Retirement Law (PERL), reciprocity is governed by Gov. Code, §§ 20350 et. seq.

<sup>2</sup> Gov. Code, § 31830



## OCERS Administrative Procedure (OAP) Reciprocity

Kern  
Los Angeles  
Marin  
Mendocino  
Merced  
Sacramento  
San Bernardino  
San Diego  
San Joaquin  
San Mateo  
Santa Barbara  
Sonoma  
Stanislaus  
Tulare  
Ventura

California Public Employees' Retirement System (CalPERS)  
California State Teachers' Retirement System (CalSTRS)  
Judges Retirement System (JRS I and JRS II)

### Advantages of Reciprocity

- The public employee becomes a member of both (or all, if more than two) retirement systems and is subject to the rights, benefits, and membership requirements of each system.
- If applicable, the member's entry age will be based upon the age they were when they entered the first system.<sup>3</sup> This is significant because it may affect the member's contribution rate. When entering a public retirement system, some systems (like OCERS) use a member's age ~~of~~ at entry as a factor to calculate the amount the member ~~has to~~ must contribute to ~~help~~ fund their retirement. The younger the age ~~of~~ at entry, the less a member must pay in member contributions (payroll deductions) to the retirement system. With reciprocity, a member may pay less in member contributions to the second system than they otherwise would if reciprocity did not apply.
- ~~A member whose membership in~~ Members who joined an ~~eligible~~-reciprocal system ~~began~~ before January 1, 2013, the effective date of PEPRA, ~~are Legacy members. By establishing reciprocity, they~~ may be eligible ~~for to maintain Legacy status and participate in a pre-PEPRA~~ the benefit plan formula ~~in place prior to January 1, 2013, i.e., Legacy member status. Legacy member status is pre-PEPRA, which took effect on January 1, 2013.~~

<sup>3</sup> Gov. Code, § 31833



## OCERS Administrative Procedure (OAP) Reciprocity

- Upon concurrent retirement from all reciprocal systems, the member's service under each reciprocal retirement system will count towards the vesting and retirement eligibility requirements of each system.<sup>4</sup>
- In calculating the amount of the retirement allowance, each system will use the member's highest "compensation earnable" (for Legacy Members) or "pensionable compensation" ~~for~~ (for PEPPRA Members), regardless of under which system it was earned, if that compensation is recognized as pensionable in the reciprocal system.<sup>5</sup>

### IV. Requirements of Reciprocity

To be eligible for the advantages of reciprocity, the public employee must:

1. Maintain membership in the prior retirement system by leaving their contributions on deposit with that system<sup>6</sup> (i.e., elect deferred retirement); and
2. Enter employment that results in membership in the new system within six months (180 days) of leaving employment with their prior reciprocal system employer.<sup>7</sup>

If these two initial eligibility requirements are met, members may elect reciprocity when they join OCERS. However, OCERS must be informed of membership in the prior system(s) to effectuate reciprocity. **Thus, new members must notify OCERS of all previous retirement system memberships and certify whether they wish to elect reciprocity.** This election of reciprocity is irrevocable.

Reciprocity can apply on an incoming basis when a public employee becomes an OCERS member and on an outgoing basis when an OCERS member terminates employment with an OCERS employer and enters a reciprocal retirement system within six months. In addition, each move a public employee makes between systems is considered a separate reciprocal event, and thus, they would need to meet the requirements of reciprocity for each move.<sup>8</sup>

#### Concurrent Retirement Required

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<sup>4</sup> Gov. Code, § 31836

<sup>5</sup> Gov. Code, § 31835

<sup>6</sup> Gov. Code, § 31831. In order to elect a deferred retirement from OCERS, the member must have at least five years of service with an OCERS employer or must transfer to a reciprocal system (Gov. Code, § 31700).

<sup>7</sup> Gov. Code, §§ 31835, 31840.4

<sup>8</sup> If a member moves back and forth between active memberships in OCERS and a reciprocal system, the member can maintain reciprocity so long as there is at least one break that is less than six months with no overlapping service credit. The existence of other breaks of more than six months with that system will not disqualify a member for reciprocity.



## OCERS Administrative Procedure (OAP) Reciprocity

To ~~be credited with the period of service under each reciprocal system~~ receive the benefits of reciprocity at the time of retirement, the member must apply to retire from each system separately and concurrently, that is, on the same date.<sup>9</sup> The member will then receive separate retirement allowances from each system.

However, if a member that elected deferred retirement with OCERS then retires from a reciprocal system but fails to apply to OCERS for concurrent retirement due to oversight or excusable neglect, the member may apply to OCERS for a service retirement allowance that will be effective as of the date of the member's retirement from the reciprocal system.<sup>10</sup>

### Overlapping Service Prohibited

Service credit cannot be granted from more than one retirement system at a time.<sup>11</sup> Thus, periods of service with more than one system may not overlap. That means that a member must discontinue employment with their former system before entering membership with the subsequent system. So, an employee entering membership with OCERS must not still be on the job, or exhausting vacation hours, sick leave credits, or other types of leave with their prior system employer. To the extent permissible under the law, OCERS will adjust the member's entry or exit date to avoid overlap.<sup>12</sup>

### Breaking Reciprocity

Once established, to maintain reciprocity, the member may not withdraw their accumulated contributions from the reciprocal system and must retire from all reciprocal systems on the same date.<sup>13</sup> Otherwise, they will break reciprocity and lose its advantages, i.e., the member will then be required to meet the minimum eligibility requirements for retirement, disability, and survivor benefits based solely on their employment with the OCERS member employer. For example, an OCERS member with established reciprocity cannot rescind their election of deferred retirement with the previous system(s) or withdraw any of their accumulated contributions and interest. If they did, reciprocity would be broken and no longer recognized by OCERS. In addition, their age-based contribution rate would change to align with their age ~~of~~ at entry into OCERS.

Likewise, an OCERS member who transfers to a reciprocal system cannot withdraw funds from OCERS while still a member of the reciprocal system. Such members would need to provide proof of permanent separation and withdrawal of contributions from the other retirement systems to be eligible for a refund of their OCERS contributions.

<sup>9</sup> Gov. Code, § 31835. Exceptions may apply. For example, a member required to retire because of age may be entitled to have his final compensation and service determined as if he had retired concurrently with their prior system (Gov. Code, § 31835.1).

<sup>10</sup> OCERS Regulations, Art. X.

<sup>11</sup> Gov. Code, § 31836

<sup>12</sup> Persons eligible for membership in OCERS normally become a member as of the first day employed with an OCERS member employer (OCERS Regulations, Art. I, April 10, 1995).

<sup>13</sup> Gov. Code, § 31831



## OCERS Administrative Procedure (OAP) Reciprocity

Should a member retire concurrently with each system but later re-instate membership by returning to work with one of the system's employers, reciprocity will be broken as the retirement date from both systems will no longer be the same.

Breaking reciprocity by retiring from each system on separate dates may result in changes to the member's contribution rate, vesting, and retirement eligibility for years of service, and final average salary used to calculate their retirement benefit. For example, if a member established reciprocity upon entry into OCERS, and then retires for service from the first system while continuing active service with OCERS, reciprocity will be broken. Whereas OCERS initially applied a contribution rate based on the member's age at entry with the previous system, OCERS will apply a new contribution rate based on their age at entry in with to OCERS. This change will apply prospectively beginning with the date reciprocity was broken. However, a member's Legacy status, if applicable, will not be affected. A member's Legacy status, however, will not be affected.

In addition, when reciprocity is broken, OCERS will not include the member's years of service from the reciprocal system when determining years of service for whether vesting and retirement eligibility requirements are met, regardless of whether OCERS is the outgoing or incoming system. The determination will be based solely on the member's years of service with OCERS. Finally, only compensation earned by a member during their service with OCERS will be considered when determining their final average salary.

### V. Disability Retirement and Reciprocity

The advantages of reciprocity may also apply to disability retirement benefits. Once reciprocity is established, the disability allowance, as with the service retirement allowance, will be based on the service credit earned with each reciprocal system.<sup>14</sup>

A member who terminates employment with an OCERS employer, leaves their retirement contributions on deposit with OCERS (is a deferred member), and establishes reciprocity with a reciprocal system may be entitled to a retirement allowance from OCERS when the reciprocal system grants them a disability allowance. A finding by the reciprocal system that the deferred member is entitled to a disability retirement will be binding on OCERS.<sup>15</sup> When a reciprocal system grants a deferred member a service-connected disability retirement, and the member applies for and is granted a concurrent disability retirement from OCERS, the only benefit payable to the member from OCERS will be an annuity based on their retirement contributions.<sup>16</sup>

#### Disability Offset

<sup>14</sup> Gov. Code, §31837

<sup>15</sup> OCERS Regulations, Art. IX.2.

<sup>16</sup> Gov. Code, § 31837, OCERS Regulations, Art. IX.4.



## OCERS Administrative Procedure (OAP) Reciprocity

The disability allowance received by a member credited with service in more than one system cannot exceed the amount they would have received had all their service been with only one system.<sup>17</sup> The CERL imposes this benefit cap to ensure the disability allowance awarded does not result in the member receiving an amount that, when combined with any amount the member receives from other counties or the California Public Employees' Retirement System (CalPERS), is greater than the amount the member would have received had all the member's service been with only one entity. ~~The system granting a disability allowance is~~ CERL systems, including OCERS, are required to "offset" (reduce) the benefits to be paid to the member to avoid any excess.

For example, ordinarily, a service-connected disability retirement benefit qualifies the retiring employee to receive one-half of their final compensation, or, if eligible, a service allowance.<sup>18</sup> But, again, where a member retires on disability and receives retirement benefits from more than one California public pension system, a disability offset will apply to cap the disability retirement allowance so that it does not exceed a member's final compensation with any one system.

When a member is granted a disability retirement from OCERS, and a reciprocal system also grants the member a non-service-connected disability, OCERS will first ~~ascertain~~ determine the ~~amount of the~~ allowance that would have been paid to the member if all of the member's service had been under one system. OCERS will then pay the member a fraction of that amount, with the numerator ~~of that fraction~~ being the total years of service credit the member has with OCERS, and the denominator being the total years of service credit the member has with OCERS and the reciprocal system combined.<sup>19</sup>

However, when a member receives a service retirement under a California public pension system and later becomes a member of a second system but does not elect reciprocity, their first service pension ~~cannot~~ is ~~be not~~ considered part of a disability allowance and is thus not subject to offset under section 31838.5.<sup>20</sup>

### Calculating the Disability Offset

Following is the process OCERS will follow when applying the disability offset pursuant to Gov. Code, § 31838.5:

1. Is OCERS paying a service-connected disability retirement?
  - a. If no, continue to step 2. If yes, did the member become employed by OCERS on or after January 1, 1984? If no, stop as the offset does not apply. If yes, continue to step 2.
- ~~2. Is the first system paying an annuity or a return of contributions? If no, continue to step 3. If yes, then OCERS will pay the full disability retirement amount as no offset applies.~~
- ~~3.~~ 2. Determine the figure subject to offset:

<sup>17</sup> Gov. Code, § 31838.5

<sup>18</sup> Gov. Code, § 31727.4

<sup>19</sup> OCERS Regulations, Art. IX.3.

<sup>20</sup> *Casson v. Orange County Employees Retirement System* (Cal. Ct. App., Jan. 30, 2023, No. G060950) 2023 WL 1097958, at \*5



## OCERS Administrative Procedure (OAP) Reciprocity

- a. Add OCERS ~~non-service-connected~~ disability benefit amount to the other system's benefit amount. This is Amount A.
- b. Determine what the disability retirement allowance would be if the member's combined years of service had been with whichever system would have yielded the highest amount. This is Amount B. (This benefit amount cannot be greater than 100% of the highest Final Average Salary)
  - i. If Amount B is greater than Amount A, there is no offset.
  - ii. If Amount A exceeds Amount B, subtract B from A.
  - iii. This is the figure subject to offset: Amount C (A-B=C).

Example: The member with established reciprocity receives a retirement allowance from a reciprocal system and a disability allowance from OCERS. The member's allowance from the other system is \$1000, and their allowance from OCERS is \$2000, for a total of \$3000 (Amount A).

Also, assume that had all the member's service been with OCERS, the member would have received \$2750 (Amount B) and this amount is higher than if all service had been with the reciprocal system.

Since Amount A is greater than Amount B, an offset applies and OCERS would then subtract Amount B (\$2750) from Amount A (\$3000) to equal Amount C (\$250).

4. Determine the percentage of the offset:
  - a. Divide the member's service time with OCERS by the total amount of service time with all systems to determine the percentage of total time that is OCERS.
  - b. Then multiply Amount C by the percentage of OCERS time to determine the amount of the offset.

Example: Assume the member has 24 years of total service, 8 years of which are with OCERS and 16 years with a reciprocal system:  $8 \div 24 = 33.3\%$ .

Taking Amount C from above, multiply \$250 by 33.3% to determine the amount of offset to apply:  $\$250 \times 33.3\% = \$83.25$ .

The disability allowance provided by OCERS will thus be the original allowance of \$2,000 minus \$83.25, which equals \$1916.75.

Note: OCERS will apply the entire offset amount to the OCERS benefit should the other system not apply the offset to their benefits.

### Waiver of Disability Benefits from OCERS

A deferred member who is granted a disability retirement from a reciprocal system may waive disability retirement benefits from OCERS and elect a deferred retirement allowance from OCERS instead.<sup>21</sup> Doing so

<sup>21</sup> OCERS Regulations, Art. IX.5.



## **OCERS Administrative Procedure (OAP) Reciprocity**

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will break reciprocity, and their vesting requirements and final compensation determination will be based only on their service with OCERS.



## OCERS Administrative Procedure (OAP) Reciprocity

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### I. Purpose

The purpose of this OCERS administrative procedure (OAP) is to describe how OCERS' Board of Retirement (Board) applies the rules governing reciprocity.

### II. Authority

This OAP is established pursuant to the Chief Executive Officer (CEO) Charter, section 8.f., which directs the CEO to develop staff policies and procedures to ensure effective and efficient administration of member benefits. The OAP is in conformance with Board Policy, the County Employees Retirement Law (California Government Code section 31450, et seq.) (CERL), and the Public Employees' Pension Reform Act (Government Code, sections 7522 - 7522.74) (PEPRA).

### III. Overview

"Reciprocity" under the CERL refers to the relationship between certain specified California retirement systems that permits public employees to move between those systems without losing the rights and benefits they already earned.<sup>1</sup> Reciprocal retirement systems can protect an employee's earned retirement benefits when those employees enter employment with a reciprocal system within six months (180 days) of terminating employment with the prior system. They do so by enabling a public employee to count all their years of qualifying public service as a single unbroken career with the payment of their total retirement allowance apportioned among each participating system. Reciprocity applies to an OCERS member when the member has worked for a California public retirement system that has reciprocity with OCERS and meets the requirements set forth below.

The reciprocity rules are intended to encourage career public service by eliminating the adverse consequences of having to start over again in a new retirement system. The rules also delineate the financial obligations of each system, so they are shared equitably.<sup>2</sup>

The following systems have reciprocity with OCERS:

#### County Retirement Systems

Alameda  
Contra Costa  
Fresno  
Imperial

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<sup>1</sup> Gov. Code, §§ 31830-31840.8 govern reciprocal retirement benefits granted to public employees who are entitled to retirement rights and benefits from two or more retirement systems that are subject to the reciprocity rules. Under the Public Employees Retirement Law (PERL), reciprocity is governed by Gov. Code, §§ 20350 et. seq.

<sup>2</sup> Gov. Code, § 31830



## OCERS Administrative Procedure (OAP) Reciprocity

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Kern  
Los Angeles  
Marin  
Mendocino  
Merced  
Sacramento  
San Bernardino  
San Diego  
San Joaquin  
San Mateo  
Santa Barbara  
Sonoma  
Stanislaus  
Tulare  
Ventura

California Public Employees' Retirement System (CalPERS)  
California State Teachers' Retirement System (CalSTRS)  
Judges Retirement System (JRS I and JRS II)

### Advantages of Reciprocity

- The public employee becomes a member of both (or all, if more than two) retirement systems and is subject to the rights, benefits, and membership requirements of each system.
- If applicable, the member's entry age will be based upon the age they were when they entered the first system.<sup>3</sup> This is significant because it may affect the member's contribution rate. When entering a public retirement system, some systems (like OCERS) use a member's age at entry as a factor to calculate the amount the member must contribute to fund their retirement. The younger the age at entry, the less a member must pay in member contributions (payroll deductions) to the retirement system. With reciprocity, a member may pay less in member contributions to the second system than they otherwise would if reciprocity did not apply.
- Members who joined a reciprocal system before January 1, 2013, the effective date of PEPRA, are Legacy members. By establishing reciprocity, they may be eligible to maintain Legacy status and participate in a pre-PEPRA benefit plan formula.

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<sup>3</sup> Gov. Code, § 31833



## OCERS Administrative Procedure (OAP) Reciprocity

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- Upon concurrent retirement from all reciprocal systems, the member's service under each reciprocal retirement system will count towards the vesting and retirement eligibility requirements of each system.<sup>4</sup>
- In calculating the amount of the retirement allowance, each system will use the member's highest "compensation earnable" (for Legacy Members) or "pensionable compensation" (for PEPRA Members), regardless of under which system it was earned, if that compensation is recognized as pensionable in the reciprocal system.<sup>5</sup>

### IV. Requirements of Reciprocity

To be eligible for the advantages of reciprocity, the public employee must:

1. Maintain membership in the prior retirement system by leaving their contributions on deposit with that system<sup>6</sup> (i.e., elect deferred retirement); and
2. Enter employment that results in membership in the new system within six months (180 days) of leaving employment with their prior reciprocal system employer.<sup>7</sup>

If these two initial eligibility requirements are met, members may elect reciprocity when they join OCERS. However, OCERS must be informed of membership in the prior system(s) to effectuate reciprocity. **Thus, new members must notify OCERS of all previous retirement system memberships and certify whether they wish to elect reciprocity.** This election of reciprocity is irrevocable.

Reciprocity can apply on an incoming basis when a public employee becomes an OCERS member and on an outgoing basis when an OCERS member terminates employment with an OCERS employer and enters a reciprocal retirement system within six months. In addition, each move a public employee makes between systems is considered a separate reciprocal event, and thus, they would need to meet the requirements of reciprocity for each move.<sup>8</sup>

#### Concurrent Retirement Required

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<sup>4</sup> Gov. Code, § 31836

<sup>5</sup> Gov. Code, § 31835

<sup>6</sup> Gov. Code, § 31831. In order to elect a deferred retirement from OCERS, the member must have at least five years of service with an OCERS employer or must transfer to a reciprocal system (Gov. Code, § 31700).

<sup>7</sup> Gov. Code, §§ 31835, 31840.4

<sup>8</sup> If a member moves back and forth between active memberships in OCERS and a reciprocal system, the member can maintain reciprocity so long as there is at least one break that is less than six months with no overlapping service credit. The existence of other breaks of more than six months with that system will not disqualify a member for reciprocity.



## OCERS Administrative Procedure (OAP) Reciprocity

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To receive the benefits of reciprocity at retirement, the member must apply to retire from each system separately and concurrently, that is, on the same date.<sup>9</sup> The member will then receive separate retirement allowances from each system.

However, if a member that elected deferred retirement with OCERS then retires from a reciprocal system but fails to apply to OCERS for concurrent retirement due to oversight or excusable neglect, the member may apply to OCERS for a service retirement allowance that will be effective as of the date of the member's retirement from the reciprocal system.<sup>10</sup>

### **Overlapping Service Prohibited**

Service credit cannot be granted from more than one retirement system at a time.<sup>11</sup> Thus, periods of service with more than one system may not overlap. That means that a member must discontinue employment with their former system before entering membership with the subsequent system. So, an employee entering membership with OCERS must not still be on the job, or exhausting vacation hours, sick leave credits, or other types of leave with their prior system employer. To the extent permissible under the law, OCERS will adjust the member's entry or exit date to avoid overlap.<sup>12</sup>

### **Breaking Reciprocity**

Once established, to maintain reciprocity, the member may not withdraw their accumulated contributions from the reciprocal system and must retire from all reciprocal systems on the same date.<sup>13</sup> Otherwise, they will break reciprocity and lose its advantages, i.e., the member will then be required to meet the minimum eligibility requirements for retirement, disability, and survivor benefits based solely on their employment with the OCERS member employer. For example, an OCERS member with established reciprocity cannot rescind their election of deferred retirement with the previous system(s) or withdraw any of their accumulated contributions and interest. If they did, reciprocity would be broken and no longer recognized by OCERS. In addition, their age-based contribution rate would change to align with their age at entry into OCERS.

Likewise, an OCERS member who transfers to a reciprocal system cannot withdraw funds from OCERS while still a member of the reciprocal system. Such members would need to provide proof of permanent separation and withdrawal of contributions from the other retirement systems to be eligible for a refund of their OCERS contributions.

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<sup>9</sup> Gov. Code, § 31835. Exceptions may apply. For example, a member required to retire because of age may be entitled to have his final compensation and service determined as if he had retired concurrently with their prior system (Gov. Code, § 31835.1).

<sup>10</sup> OCERS Regulations, Art. X.

<sup>11</sup> Gov. Code, § 31836

<sup>12</sup> Persons eligible for membership in OCERS normally become a member as of the first day employed with an OCERS member employer (OCERS Regulations, Art. I, April 10, 1995).

<sup>13</sup> Gov. Code, § 31831



## OCERS Administrative Procedure (OAP) Reciprocity

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Should a member retire concurrently with each system but later reinstate membership by returning to work with one of the system's employers, reciprocity will be broken as the retirement date from both systems will no longer be the same.

Breaking reciprocity by retiring from each system on separate dates may result in changes to the member's contribution rate, vesting, retirement eligibility, and final average salary used to calculate their retirement benefit. For example, if a member established reciprocity upon entry into OCERS and then retires from the first system while continuing active service with OCERS, reciprocity will be broken. Whereas OCERS initially applied a contribution rate based on the member's age at entry with the previous system, OCERS will apply a new contribution rate based on their age at entry into OCERS. This change will apply prospectively beginning with the date reciprocity was broken. However, a member's Legacy status, if applicable, will not be affected.

In addition, when reciprocity is broken, OCERS will not include the member's years of service from the reciprocal system when determining whether vesting and retirement eligibility requirements are met, regardless of whether OCERS is the outgoing or incoming system. The determination will be based solely on the member's years of service with OCERS. Finally, only compensation earned by a member during their service with OCERS will be considered when determining their final average salary.

### V. Disability Retirement and Reciprocity

The advantages of reciprocity may also apply to disability retirement benefits. Once reciprocity is established, the disability allowance, as with the service retirement allowance, will be based on the service credit earned with each reciprocal system.<sup>14</sup>

A member who terminates employment with an OCERS employer, leaves their retirement contributions on deposit with OCERS (is a deferred member), and establishes reciprocity with a reciprocal system may be entitled to a retirement allowance from OCERS when the reciprocal system grants them a disability allowance. A finding by the reciprocal system that the deferred member is entitled to a disability retirement will be binding on OCERS.<sup>15</sup> When a reciprocal system grants a deferred member a service-connected disability retirement, and the member applies for and is granted a concurrent disability retirement from OCERS, the only benefit payable to the member from OCERS will be an annuity based on their retirement contributions.<sup>16</sup>

#### **Disability Offset**

The disability allowance received by a member credited with service in more than one system cannot exceed the amount they would have received had all their service been with only one system.<sup>17</sup> The CERL

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<sup>14</sup> Gov. Code, §31837

<sup>15</sup> OCERS Regulations, Art. IX.2.

<sup>16</sup> Gov. Code, § 31837, OCERS Regulations, Art. IX.4.

<sup>17</sup> Gov. Code, § 31838.5



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imposes this benefit cap to ensure the disability allowance awarded does not result in the member receiving an amount that, when combined with any amount the member receives from other counties or the California Public Employees' Retirement System (CalPERS), is greater than the amount the member would have received had all the member's service been with only one entity. CERL systems, including OCERS, are required to "offset" (reduce) the benefits to be paid to the member to avoid any excess.

For example, ordinarily, a service-connected disability retirement benefit qualifies the retiring employee to receive one-half of their final compensation, or, if eligible, a service allowance.<sup>18</sup> But, again, where a member retires on disability and receives retirement benefits from more than one California public pension system, a disability offset will apply to cap the disability retirement allowance so that it does not exceed a member's final compensation with any one system.

When a member is granted a disability retirement from OCERS, and a reciprocal system also grants the member a nonservice-connected disability, OCERS will first determine the allowance that would have been paid to the member if all of the member's service had been under one system. OCERS will then pay the member a fraction of that amount, with the numerator being the total years of service credit the member has with OCERS, and the denominator being the total years of service credit the member has with OCERS and the reciprocal system combined.<sup>19</sup>

However, when a member receives a service retirement under a California public pension system and later becomes a member of a second system but does not elect reciprocity, their first service pension is not considered part of a disability allowance and is thus not subject to offset under section 31838.5.<sup>20</sup>

### Calculating the Disability Offset

Following is the process OCERS will follow when applying the disability offset pursuant to Gov. Code, § 31838.5:

1. Is OCERS paying a service-connected disability retirement?
  - a. If no, continue to step 2. If yes, did the member become employed by OCERS on or after January 1, 1984? If no, stop as the offset does not apply. If yes, continue to step 2.
2. Determine the figure subject to offset:
  - a. Add OCERS disability benefit amount to the other system's benefit amount. This is Amount A.
  - b. Determine what the disability retirement allowance would be if the member's combined years of service had been with whichever system would have yielded the highest amount. This is Amount B. (This benefit amount cannot be greater than 100% of the highest Final Average Salary)

<sup>18</sup> Gov. Code, § 31727.4

<sup>19</sup> OCERS Regulations, Art. IX.3.

<sup>20</sup> *Casson v. Orange County Employees Retirement System* (Cal. Ct. App., Jan. 30, 2023, No. G060950) 2023 WL 1097958, at \*5



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- i. If Amount B is greater than Amount A, there is no offset.
- ii. If Amount A exceeds Amount B, subtract B from A.
- iii. This is the figure subject to offset: Amount C (A-B=C).

Example: The member with established reciprocity receives a retirement allowance from a reciprocal system and a disability allowance from OCERS. The member's allowance from the other system is \$1000, and their allowance from OCERS is \$2000, for a total of \$3000 (Amount A).

Also, assume that had all the member's service been with OCERS, the member would have received \$2750 (Amount B) and this amount is higher than if all service had been with the reciprocal system.

Since Amount A is greater than Amount B, an offset applies and OCERS would then subtract Amount B (\$2750) from Amount A (\$3000) to equal Amount C (\$250).

4. Determine the percentage of the offset:
  - a. Divide the member's service time with OCERS by the total amount of service time with all systems to determine the percentage of total time that is OCERS.
  - b. Then multiply Amount C by the percentage of OCERS time to determine the amount of the offset.

Example: Assume the member has 24 years of total service, 8 years of which are with OCERS and 16 years with a reciprocal system:  $8 \text{ divided by } 24 = 33.3\%$ .

Taking Amount C from above, multiply \$250 by 33.3% to determine the amount of offset to apply:  $\$250 \times 33.3\% = \$83.25$ .

The disability allowance provided by OCERS will thus be the original allowance of \$2,000 minus \$83.25, which equals \$1916.75.

Note: OCERS will apply the entire offset amount to the OCERS benefit should the other system not apply the offset to their benefits.

### Waiver of Disability Benefits from OCERS

A deferred member who is granted a disability retirement from a reciprocal system may waive disability retirement benefits from OCERS and elect a deferred retirement allowance from OCERS instead.<sup>21</sup> Doing so will break reciprocity, and their vesting requirements and final compensation determination will be based only on their service with OCERS.

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<sup>21</sup> OCERS Regulations, Art. IX.5.