

**MENDOCINO COUNTY EMPLOYEES' RETIREMENT
ASSOCIATION
BYLAWS OF
THE BOARD OF RETIREMENT**

ARTICLE I. ADMINISTRATION

Section 1. NAME: The name of this Association organized in accordance with Government Code Section 31550 is: "MENDOCINO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION."

Section 2. BOARD OF RETIREMENT: The board of Retirement shall consist of the number of members required in the County Employees' Retirement Law of 1937, Government Code, Article 3, as provided for in the amended section of 31520.1.

Section 3. ELECTION OF OFFICERS: At the First Regular Meeting in December the Board of Retirement shall elect one of its members Chair; one of its members Vice Chair, and one of its members Secretary, each to hold office for a term of one year or until a successor is duly elected and qualified. Should any officer for any reason fail to complete this term the Board of Retirement shall select a successor for the balance of the unexpired term at its next Regular Meeting. The County Treasurer shall act as Treasurer of the Retirement Board.

ARTICLE II. MEETINGS

Section 1. REGULAR MEETINGS: Regular Meetings shall be held on the third Wednesday in each month at the hour of 8:30 a.m. in the Conference Room of the Retirement System building or such other place and time as the Treasurer may designate.

Section 2. SPECIAL MEETINGS: Special Meetings may be called at any time by the Chairman or any officer of the Association, or by any Five members of the Board of Retirement upon Notice not less than 48 Hours given to each member.

Section 3. RULES OF ORDER: Roberts' Rules of Order, except as otherwise provided herein, shall guide the Board of Retirement in its proceedings.

Section 4. QUORUM: Five members of the Board of Retirement shall constitute a quorum. No motion may be passed or business transacted without a majority vote of the quorum present.

Section 5. COMMUNICATIONS: Communications and requests to the Board of Retirement shall be made in writing, and the substance of each request, and the action of the Board of Retirement thereon noted in the minutes.

Section 6. MINUTES: The Secretary shall cause to be recorded in the minutes, the

time and place of each meeting of the Retirement Board, the names of members present and absent, all official acts of the Retirement Board, the vote given by members of the Board except where action is unanimous, and when requested, a member's dissent or approval with his reasons, and shall cause the minutes to be written up forthwith and presented for approval at the next Regular Meeting. The minutes or a true copy thereof, submitted by the Secretary and signed by the Chair, or Vice Chair, shall form part of the permanent records of the Retirement Board.

ARTICLE III. MEMBERSHIP

Section 1. FULL TIME EMPLOYEES: For the purpose of these By Laws each person entering the County or District employ becomes a member of the Mendocino County Employees' Retirement Association on the first day of the Pay Period following their entrance into County or District service.

(a) **CONTINUOUS SERVICE:** For the purpose of these By Laws, continuous service for full time employees shall be as defined in the Mendocino County Code Section 3.04.100 "Hours of Work." Not more than one (1) year of credit shall be allowed for any service in any one (1) Fiscal Year. Credit for service of less than one (1) year, as defined in the above section, in any one (1) Fiscal Year shall be allowed on a prorata basis.

(b) **BREAK IN CONTINUOUS SERVICE FORFEITS MEMBERSHIP:** For the purpose of these by Laws, when any full time employee fails to remain in continuous service as defined herein, he shall no longer be entitled to be classified as a permanent employee, and upon such failure becomes ineligible for membership in the Mendocino County Employees' Retirement Association.

Section 2. TEMPORARY, SEASONAL, INTERMITTENT, AND PART-TIME EMPLOYEES: For the purpose of these By Laws, each person whose service for the County or District requires for the performance of duties less than 80% of the full standard of hours required in County or District service, shall be excluded and exempted from membership in the Mendocino County Employees' Retirement Association.

Section 3. NEWLY HIRED EMPLOYEES WHO HAVE ATTAINED THE AGE OF 60 may request, in writing, a waiver of membership in the Mendocino County Employees Retirement Association. In all cases where there is such a waiver, said employee upon attaining the age of 70 shall thereafter be employed from year to year at the discretion of the County. (Section 31552 Government Code)

ARTICLE IV. CONTRIBUTIONS

Section 1. BASIS OF CONTRIBUTIONS: For the purpose of these By Laws, the normal rates of contributions of all members shall be based on age at the time of entrance into the Retirement System and contributions shall be calculated upon the basis

of twenty six (26) pay periods per year.

Section 2. DEDUCTION OF PAST DUE CONTRIBUTIONS: Where a member returns to active service following an absence for sickness or other cause and claims that deducting the total contributions due from the first salary, or wage warrant, drawn would cause practical difficulty and unnecessary hardship, such deductions shall be so apportioned that the total deducted from each warrant will be the current monthly contribution plus two (2) of the past due monthly contributions.

Section 3. REDEPOSIT OF CONTRIBUTIONS WITHDRAWN: Any member may redeposit in the retirement fund, within one (1) year after his reentrance into County or District service, an amount equal to all of the accumulated contributions withdrawn, plus regular interest thereon from the date of separation from the retirement system, except that upon application of the member the Retirement Board may grant an extension of time. (Section 31652 County Employees Retirement Laws of 1937).

Section 4. WITHDRAWALS: When a member, because of termination of his membership in the Mendocino County Retirement Association, withdraws his accumulated contributions, he shall be permitted to withdraw all such contributions with all such accrued interest thereon credited to his account subsequent to the effective date. No additional contributions in excess of those provided in the County Employees' Retirement act of 1937 can be made by any member of the Retirement Association.

ARTICLE V. SWORN STATEMENT

Section 1. EVERY EMPLOYEE OF THE COUNTY OF MENDOCINO OR OF ANY DISTRICT WITHIN SAID COUNTY whose employees become eligible for membership in the Mendocino County Retirement Association shall fill out and properly execute a sworn statement showing date of birth, nature and duration of employment with the county, compensation received, and such other information as is required by the board, which form shall be adopted as the official Mendocino County Employees' Retirement Association's sworn statement. (Article 3, Section 31526 County Employees' Retirement Laws of 1937).

ARTICLE VI. PRIOR SERVICE

Section 1. PRIOR SERVICE SHALL BE ALL SERVICE RENDERED THE COUNTY OF MENDOCINO for compensation which was rendered prior to January 1, 1948. Periods during which a member was not employed for compensation shall not be allowed as prior service, but such breaks will not deprive of service rendered prior to such date. If the employee worked at a lesser salary than Eighty dollars (\$80.00) per month, credit for prior service shall be given in proportion that the lesser salary bears to Eighty dollars (\$80.00) per month. If it is at a larger salary than Eighty dollars (\$80.00) per month, credit shall be given in proportion that that salary bears to the average earnable salary.

ARTICLE VII. ALLOWANCE FOR PUBLIC SERVICE

Section 1. RESOLUTION 3108 PASSED BY THE BOARD OF SUPERVISORS MAY 6, 1958 PROVIDED that the Sections of the County Employees' Retirement Laws of 1937 allowing Retirement credit for prior public service in other public agencies shall be applicable in Mendocino County.

Section 2. EXCEPTION TO RESOLUTION NO. 3108: By Memorandum of Understanding for Fiscal Year 1979-80, the purchase of Public Service or Military Service shall not be allowed for employees entering the service of Mendocino County after the date of July 3, 1979. (Board of Supervisors Resolution No. 79-216)

ARTICLE VIII. PROCEDURES FOR HEARINGS ON DISABILITY RETIREMENT

Purpose

The purpose of this section is to provide a procedure for acting upon applications for disability retirement under the County Employees' Retirement Law of 1937, so that applications can be expeditiously processed, and when a hearing is required by law, the applicant will have notice of the hearing and an opportunity to appear before the Board and present his/her case.

Section 1. DEFINITIONS:

In this section, unless the context or subject matter indicates otherwise, the following terms as used in this chapter shall be ascribed the following definitions:

- a. "Applicant" – a member of the Mendocino County Employees' Retirement Association (MCERA) claiming disability retirement benefits, rights or privileges under the County Employees' Retirement Law (CERL) of 1937, or any person claiming such benefits for any member.
- b. "Application" – the written claim by or on behalf of the member filed by the member, the head of the office or department in which he/she is or was last employed, the board or its agents.
- c. "Association" – shall mean the Mendocino County Employees' Retirement Association established pursuant to the provisions of the CERL of 1937.
- d. "Board" – shall mean the Mendocino County Employee's Retirement Association Board of Directors.
- e. "Department Head" – shall mean the head of a department or office of the County of Mendocino, or contracted Special District, who files an application claiming disability benefits under the CERL of 1937 for a member of the Association who is assigned to that department or office.
- f. "Member" means any person included in the membership of the retirement association pursuant to Article 4 of the CERL of 1937.
- g. "Party" – any person disclosed by the records of the retirement system or by the application to have an interest or possible interest in the subject matter of the Application.

- h. "Retirement Administrator" – the Retirement Administrator of the Mendocino County Employees' Retirement Association (MCERA) or a person authorized by him/her to perform such function hereunder.

Section 2. REPRESENTATION BY COUNSEL

- a. Subject to the provisions of this section, any Party may, at that Party's expense, hire and be represented by an attorney, but no Applicant or member is required to have an attorney at any time. In no case shall a Party's unreasonable delay in retaining an attorney be considered good cause to delay any proceeding.
- b. When any Party is represented by an attorney, that attorney shall promptly file with the Association and serve upon all other Parties written notice of representation, including the attorney's name, address and telephone number. Unless appearing with a Party at a hearing, conference, or Board meeting, an attorney shall not be deemed counsel of record until such notice of representation is duly filed and served. The substitution, withdrawal, or dismissal of an attorney of record shall be in the manner prescribed by the Code of Civil Procedure.

Section 3. APPLICATION

Application for Disability Retirement shall be made pursuant to the CERL of 1937, Government Codes Section 31450 through 31899.

- a. The Application shall be made on a form provided by the Retirement Administrator and shall be submitted to the Retirement Administrator; the application must be COMPLETE and CONTAIN ALL INFORMATION REQUIRED.
- b. The Retirement Administrator shall schedule the Application for consideration at the next Board meeting, but may continue the consideration of the Application if such Application or supporting documents are submitted less than ten (10) working days prior to the next scheduled meeting.

Section 4. MEDICAL RECORDS:

- a. Applicant shall submit at the time of application copies of all medical reports in the possession of the Applicant, upon which the Applicant intends to rely in support of his/her Application indicating:
 - 1. The nature of the injury or disease
 - 2. The degree to which Applicant is incapacitated thereby
 - 3. His/her fitness for performing other duties, and
 - 4. The causal relationship, if any, of the disease or injury to County/District employment
- b. To support the Application for disability retirement, the detailed medical report must also state the member is permanently incapacitated to perform the duties essential to his/her position.
- c. All physician, medical and other costs incurred in preparation of the Application for disability retirement and costs incurred for any and all examinations and medical reports undertaken or prepared at the request of the Applicant, shall be borne solely by the Applicant.
- d. When requested by the Board an Applicant or member for whom a Department Head or the Board has filed an Application, shall make him/herself available for

and submit to examination by any physician or other expert identified by the Board, and shall submit copies of any and all medical reports within his/her possession or the possession of his/her physician requested by the Board.

- e. All costs for examinations and reports incurred pursuant to directions from the Board shall be chargeable to and be borne by the System. Refusal by a member to comply with the provisions of Section 4d shall constitute grounds for denial of the Application for disability retirement. If examinations occur further than 75 miles from the home of the Applicant, Applicant can request reimbursement of reasonable travel expenses, as determined and approved by the Board

Section 5. BOARD ACTION

- a. Upon receipt of a complete Application with all necessary supporting documents the Board shall:
 - 1. “Grant service-connected disability retirement”; where there is no substantial question that the member is permanently incapacitated for the performance of duty, that the incapacity is a result of injury or disease arising out of and in the course of employment, and that such employment contributes substantially to such incapacity;
 - 2. **(a.)**“Grant non-service-connected disability retirement”; where the Applicant has elected to have the Application considered for a non-service-connected disability retirement, and where there is no substantial question that the member is permanently incapacitated for the performance of duty, and that the said incapacity is not a result of injury or disease arising out of and in the course of employment, or that such employment does not contribute substantially to such incapacity;
(b.) If a medical report indicates that a member who has applied for a non-service connected disability retirement or for whom an application for non-service connected disability retirement has been made pursuant to Government Code Section 31721 is capable of performing duties for the Employer other than those for which he/she is allegedly incapacitated, the Board may require the Human Resources Director to submit a report within fifteen (15) days on what positions are, or in the future would be available to the member. (Government Code Section 31725.5)
 - 3. **(a.)**“Deny, subject to hearing”; where there is no substantial question that the member is not permanently incapacitated for the performance of duty; or, where the recommendation would be to grant a non-service-connected disability retirement, but the Applicant has not elected to have the Application considered for such. Written notice will be given to the Applicant that if the Applicant fails to file a written request for a hearing within two (2) weeks from the date of such notice, the Applicant will be deemed to have waived his/her right to a hearing. In the event of such waiver, there shall be no further consideration of the Application and the preliminary determination shall be final.
(b.)“Refer to hearing”; where none of the foregoing recommendations is deemed appropriate.

4. Require member to submit to a medical examination by a medical examiner(s), designated by the Board. Failure to appear for a medical appointment requested by the Board may be grounds for denial of the Application. Member shall be responsible for any cancellation fee charged due to failure to appear for an appointment.
5. Permanent incapacity for the performance of duty shall in all cases be determined by the Board. If the medical examination and other available information do not show to the satisfaction of the Board that the member is incapacitated physically or mentally for the performance of his/her duties in the service and the member's Application is denied on this ground the Board shall give notice of such denial to the employer. The Applicant/employer may obtain judicial review of such action of the Board by filing for writ of mandate in accordance with the Code of Civil Procedure or by joining or intervening in such action filed by the Applicant within 30 days of the mailing of such notice. If such petition is not filed or the court enters judgment denying the writ, whether on the petition of the Applicant, the employer, or the member, and the employer has dismissed the member for disability the employer shall reinstate the member to his/her employment effective as of the day following the effective date of dismissal.

Section 6. CONDUCT OF HEARING

- a. When the Board sets a matter for hearing, it shall appoint at the same time pursuant to Government Code Section 31533, either one of its own Directors or a member of the State Bar of California to serve as a referee who shall hold the hearing and shall transmit, in writing, to the Board, his/her proposed findings of fact and recommended decision.
- b. The Board, or its authorized representative shall deliver or mail a notice of hearing to the Applicant or his/her attorney, at least fifteen (15) days prior to the date set for the hearing. A notice of hearing shall be by certified mail to the Applicant at the address shown by the Applicant on his/her Application or at the last known address of the Applicant, as disclosed by the records of the Board. The notice shall specify the time, date, and the place of the hearing.
- c. A court reporter shall be retained for each hearing, and the cost of per diem services for the reporter shall be borne solely by the Association.
- d. The referee shall preside over all hearings under this section. He/she shall exercise such control over the proceedings as is reasonable and necessary. In addition to other duties, he/she shall rule on the admissibility of evidence and shall order a Party to yield the floor when his/her allotted time has been consumed.
- e. Any Member, Applicant or Party is entitled, at his/her expense, to be represented by legal counsel at any hearing before the referee.
- f. Rules of Evidence
 1. At the commencement of the hearing the referee shall identify each document that is being made a part of the record of the hearing. Any and all objections to the admissibility of any document so identified shall be made and ruled upon at the time of identification. Objections not made at that time shall be deemed waived.

2. The hearing need not be conducted according to the technical rules of evidence relating to evidence and witnesses. Any relevant evidence is admissible if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.
 3. Oral evidence shall be taken only on oath or affirmation.
 4. Each Party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses on any matter relevant to the issues. If the applicant or any other party does not testify in his own behalf, he may be called as if under cross-examination.
 5. Refusal of any Applicant or Party to answer relevant questions on grounds other than the Fifth Amendment to the United States Constitution or some similar privilege against self-incrimination authorized by law, where applicable, or the refusal of any Applicant or Party to submit to medical examination shall be sufficient reason for considering such questions or such refusal to submit to medical examination in a way unfavorable to the refusing party, and such refusal may result in dismissing the Application of the Applicant or Party seeking affirmative relief.
 6. The Parties shall furnish to the referee, upon his/her request at any time during the course of the hearing, such additional evidence, including additional medical reports, at the Applicant's own expense, which the referee in his/her opinion deems necessary to deciding the factual issues and making his/her recommendation to the Board. Refusal to furnish such additional evidence shall be grounds for terminating the hearing and recommending to the Board that the Application for disability retirement be rejected.
- g. Within thirty days after a matter is submitted to a referee for a recommended decision, the referee shall file with the Board and serve upon all Parties a written report that includes the referee's summary of the evidence, proposed findings of fact, recommended decision, and proof of service on all Parties.
- h. The Parties shall have ten days from the date of receipt of the referee's report by the Parties to file written objections with the Retirement Association, along with proof of service upon all other Parties. Any timely filed objections shall be incorporated in the record to be considered by the Board. The Board shall not consider untimely written objections, or oral objections or arguments from any Party that has not filed timely written objections.

Section 7. POWERS OF BOARD

- a. When a referee's report is filed with the Retirement Association pursuant to Section 6, the Retirement Association shall cause the matter to be placed on the agenda of the next regular Board meeting to take place after the expiration of the period in which the Parties may file written objections. The Board may, but is not required to, hear oral arguments from any Party that has filed timely written objections, subject to the same limitations as apply to public comments during Board meetings. The Board may confer in closed session with the attorney representing the Retirement Association in the matter. The Board shall take one of the following actions:
 - 1 Approve and adopt the proposed findings and the recommendations of the referee; or

2. Require a transcript or summary of all testimony, plus all other evidence received by the referee. Upon the receipt thereof the Board shall take such action as in its opinion is indicated by such evidence; or
3. Refer the matter back with or without instructions to the referee for further proceedings; or
4. Set the matter for hearing before itself. At such hearing the Board shall hear and decide the matter as if it had not been referred to the referee. Any hearing conducted by the Board shall comply with the provisions contained herein relating to hearings, except that the Chair of the Board shall perform the functions of the referee in the hearing conducted by the Board.

Section 8. HEARING BEFORE THE BOARD

- a. If a hearing is held before the Board, the Board shall decide all material issues no later than the second regular meeting following the meeting at which the matter is submitted or as soon as is practical considering the complexity of the issue.
- b. No Director who has not been in attendance during any portion of a hearing on an Application for disability retirement shall participate in the determination by the Board of the Application, unless the Director has read a transcript of that portion of the hearing in which he/she was not in attendance, and has stated on the record that such review has been undertaken and completed.

Section 9. DECISION OF THE BOARD

- a. Five members of the Board shall constitute a quorum for a hearing held before the Board pursuant to the provision of these by-laws. With respect to any such hearing, no findings of fact or decision by the Board shall be valid or effective without a majority vote of the quorum present. A tie vote results in a failure to find in favor of the Applicant and constitutes a denial of the Application or that portion of the Application on which the vote is taken.
- b. For Applications submitted to a referee, the Board shall render its decision by the first regular meeting following the meeting at which the matter is submitted to the Board, or the meeting at which all material issues were resolved.
- c. Written notice of the decision of the Board shall be delivered or mailed to the Applicant and each Party at their last known address within ten (10) days following the date the decision is rendered.

Section 10. JUDICIAL REVIEW

- a. Judicial review of any decision by the Board shall be filed within the time limits specified in Code of Civil Procedure section 1094.6(b). Notice of the time limitation for filing for judicial review shall be given by the Board in substantially the following form:

NOTICE IS HEREBY GIVEN that the time in which judicial review must be sought in the above, (date of decision) entitled matter, by the

Mendocino County Employees Retirement Association Board of Directors is governed by Code of Civil Procedure Section 1094.6.

- b. Any request for preparation of the administrative record pursuant to Code of Civil Procedure section 1094.6 shall be made in writing and filed with the Retirement Association. The Retirement Association shall, within ten days of receiving such a request, notify the requesting Party of the estimated cost of preparing the record. Any requesting party other than the Employer or the Retirement Association shall, within ten days of receiving such notification, deposit with the Retirement Association an amount sufficient to cover the estimated cost. If the cost of preparing the record exceeds the amount deposited, the Party requesting the record shall pay the excess.

Section 11 DISABILITY BENEFICIARIES UNDER 55 YEARS OF AGE

The Retirement Association may request information from any disability beneficiary under fifty five years of age in the manner prescribed in Section 4, and may require any such beneficiary to undergo medical examination pursuant to Government Code Section 31729. If from such information and medical examination it appears that the disability retirement beneficiary may no longer be incapacitated, the Retirement Association shall so report in writing to the Board. The Board may order a hearing on the issue of incapacity, in which case the procedures shall be the same as those provided in this Article for Applications for disability retirement.

ARTICLE IX. HEALTH INSURANCE

Effective September 1, 1998 Retiree Health Insurance coverage became the responsibility of the County, please refer to County Resolution 98-147.

ARTICLE X. BOARD OF RETIREMENT ELIGIBILITY AND ELECTION.

Section 1. SUBJECT TO THE PROVISIONS OF ARTICLE 3, Section 31520.1 of the Government Code, County Employees' Retirement Laws of 1937, any active member of the Mendocino County Employees' Retirement Association shall be eligible to serve on the Board of Retirement of said Association unless prohibited by law, and providing the required probationary employment period has been served and the employee has been certified as a permanent employee.

Section 2. On or prior to September 1, of each year, the Retirement Administrator shall notify the Board of Supervisors of the County of Mendocino and the County Clerk of said County of the name or names of the Retirement Board Members for whom successors must be appointed or elected. The Retirement Administrator shall provide a list of the members of this Association as of the First Pay Period in October of said year who shall be entitled to vote in said election.

- (a) As provided in Section 31520.1 of the Government Code, County

Employees' Retirement Laws of 1937, the Board of Retirement shall consist of Nine (9) members and One (1) alternate, as follows:

- (1) The FIRST member shall be the County Treasurer.
- (2) the SECOND and THIRD members shall be Members of the Mendocino County Retirement Association, other than Safety Members, elected by such Members.
- (3) The FOURTH, FIFTH, SIXTH, and NINTH members shall be qualified electors of the County of Mendocino who are not connected with Mendocino County government in any capacity, except One (1) may be a Mendocino County Supervisor, and shall be appointed by the Board of Supervisors.
- (4) The SEVENTH member shall be a Safety Member of the Mendocino County Employees' Retirement Association, elected by the Safety Members.
- (5) The EIGHTH member shall be a retired member elected by the Retired Members of the Mendocino County Employees' Retirement Association in a manner to be determined by the Board of Supervisors.
- (6) The ALTERNATE member shall be that candidate, if any, for the Seventh member from the group under Section 31470.2 or 31470.4, which is not represented by a Board Member who received the highest number of votes of all candidates in that group. If there is no such candidate there shall be no Alternate Member.

Section 3. No less than Thirty (30) days prior to the election, the County Clerk and/or Retirement Administrator shall mail or cause to be distributed to each member who is entitled to vote at the forthcoming election, a Notice of Election.

Section 4. A qualified member may be nominated for one of the positions to be filled by filing a "DECLARATION OF CANDIDACY BY CANDIDATE" FORM. The Declaration of Candidacy by Candidate shall be made upon forms prepared by the County Clerk and/or Retirement Administrator. A supply of such forms shall be maintained in the County Clerks/Elections Office and/or the Office of the County Treasurer/Retirement Administrator.

- (a) The Declaration of Candidacy by Candidate forms shall be filed on the date specified within the NOTICE OF ELECTION, not more than Forty (40) days nor less than Twenty five (25) days prior to the elections.

Section 5. The County Clerk and/or Retirement Administrator shall cause the

names and department of those persons nominated for the Board of Retirement to be printed upon ballots of such form as may be determined by the County Clerk and/or Retirement Administrator.

- (a) There shall be no provisions for write-in Candidates.

Section 6. As provided in Section 31523, Government Code, County Employees Retirement Laws of 1937, if an election to fill a vacancy for the Second, Third, Seventh, or Eight member has been called and only one member has been duly nominated in accordance with the rules established for the holding of such election, the Board of Supervisors shall order that no election be held and shall direct the County Clerk and/or Retirement Administrator to cast a unanimous ballot in favor of such nominated member.

Section 7. Not less than Ten (10) days prior to the election date in November of each year, the County Clerk and/or Retirement Administrator shall mail, or cause to be distributed to each member authorized to vote at said election one of said ballots together with a ballot envelope and instructions for return of same.

- (a) Instructions shall indicate that the voted ballot shall be placed in the envelope marked "Ballot Envelope" or words of like effect, which shall then be sealed:

The Ballot Envelope shall in addition to the return address of the County Clerk and/or Retirement Administrator contain provision for the signature of the Member and the name of the County Department or District to which he belongs.

Said instructions shall further indicate that said Ballot Envelope, in order for the ballot to be counted, must be returned to the County Clerk/Elections Office and/or the County Treasurer/Retirement Administrator's Office by Five (5) o'clock p.m. on the date specified for the election.

Section 8. On the day following the date of election, the County Clerk and/or Retirement Administrator shall publicly canvass the returns of said election and shall certify the results thereof to the Board of Retirement and to the Board of Supervisors of the County of Mendocino. The County Clerk and/or Retirement Administrator shall canvass the returns. The Candidate receiving the highest number of votes shall be declared elected.

Section 9. It is required that the successful candidate complete a statement pursuant to the Conflict of Interest Code. This form is available in the Office of the Registrar of Voters, Mendocino County Courthouse and should be filed within Thirty (30) days after date of election with the Registrar of Voters with a copy of said statement filed with the Retirement Administrator.

Section 10. Whenever a deadline for a procedure associated with a Retirement Board election falls on a holiday or weekend, the final day for completion of the procedure affected by the deadline shall be the last business day preceding such deadline.

ARTICLE XI AMENDMENTS

Section 1. These By-Laws may be amended from time to time by Six-ninths (6/9) vote of the Retirement Board.

THE FOREGOING BY LAWS revise and amend those By Laws which were adopted by the Board of Retirement on the 9th day of February, 1973;
FIRST AMENDMENT adopted the 11th day of October, 1974;
SECOND AMENDMENT adopted the 10th day of June, 1977;
THIRD AMENDMENT adopted the 14th day of September, 1979;
FOURTH AMENDMENT adopted the 11th day of May, 1983;
FIFTH AMENDMENT adopted the 13th day of March, 1985;
SIXTH AMENDMENT adopted the 12th day of March, 1986;
SEVENTH AMENDMENT adopted the 9th day of April, 1986;
EIGHTH AMENDMENT adopted the 10th day of June, 1987;
NINTH AMENDMENT adopted the 9th day of March, 1988;
TENTH AMENDMENT adopted the 17th day of November, 1999
ELEVENTH AMENDMENT adopted the 11th day of April 2003 for Disability application change and the 11th day of June 2003 for meeting day change, by the following vote:
AYES: Duman, Grothe, Rosetti, Fisher, Cliburn, Pearce, Knudsen,
ABSENT: Mirata, Shoemaker

ALL OF WHICH have been included in and have become a part of the MENDOCINO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION By Laws of the BOARD OF RETIREMENT, approved and adopted by the Board of Supervisors the ____ day of _____, 2003

Chairman,
Board of Retirement
Mendocino County ERA