



Stanislaus County Employees' Retirement Association

BYLAWS

**Amended and Approved by the
Retirement Board December 2, 2025**

ARTICLE 1 – ADMINISTRATION

1.1 NAME

The name of this association is "the "STANISLAUS COUNTY EMPLOYEES' RETIREMENT ASSOCIATION" (hereinafter "StanCERA").

1.2. PURPOSE

StanCERA is established, in accordance with and subject to the County Employees' Retirement Law of 1937 (CERL), section 31450, et seq., of the California Government Code (hereinafter "the 1937 Act"). For the purpose of carrying out the provisions of said law within Stanislaus County, California, StanCERA is governed by the 1937 Act, California Public Employees' Pension Reform Act of 2013 (PEPRA) and other Government Code Sections applicable to CERL Systems as supplemented by these Bylaws.

1.3. DEFINITIONS

- A. "Executive Director" means the StanCERA Retirement Administrator or designee of Executive Director.
- B. "Applicant" means a person, the Retirement Board, or StanCERA claiming benefits, rights, or privileges under the 1937 Act.
- C. "Retirement Board" means the StanCERA Board of Retirement.
- D. "Hearing Officer" means the person designated by the Retirement Board to conduct a hearing and make recommendations pursuant to Government Code section 31533.
- E. "Part-time employee" means an employee of Stanislaus County or a contracting district or other local government who is not employed in a permanent position as established by the Board of Supervisors or other local governing body by budget or ordinance or who regularly works less than fifty-five percent (55%) of the normal workweek.
- F. "Party" means any person disclosed by the records of the retirement system or by the application to have an interest in any subject matter including the applicant and the subject employee.
- G. "Subject employee" means the member of the retirement system on behalf of whom an application is filed.
- H. "Member contributions" means the actuarially determined rate as applied to the member's compensation earnable or pensionable compensation for each pay period.
- I. "It" means "non-person"

J. "Shall" imposes a duty

L. "May" creates discretionary authority or grants permission or power

M. "Must" creates or recognizes a right; and

N. "May not" imposes a prohibition and is synonymous with shall not.

1.4. POLICY AND ADMINISTRATIVE

Policy directives of the retirement system is vested in the Retirement Board. Day-to-day administration of the retirement system is delegated to the Executive Director. Appointment or election of members of the Retirement Board shall be as provided by Government Code Section 31520.1 and related state law.

1.5. OFFICERS

At the first regular meeting in January, the positions of chair and vice chair will rotate in ascending order by succession by the number assigned to the Retirement Board member and shall be held for a period of one (1) year. If a member has not served at least two (2) years on the Retirement Board, that member shall skip the normal rotation and the next successor shall be appointed to chair or vice-chair. Should any officer fail for any reason to complete his or her term, the normal successor shall perform the balance of the unexpired term. If the unexpired term is for less than nine (9) months, then the successor shall also hold office for their normal term immediately following the completion of the unexpired term. If the unexpired term is for nine (9) months or more, the successor shall only hold office for the completion of the unexpired term. The secretary of the Retirement Board shall be the Executive Director. The alternate safety member shall serve as provided in Government Code Section 31520.1 of the 1937 Act.

Pursuant to Government Code Section 31520.1, the alternate safety member shall sit in place of the seventh member during determinations of retirement benefits of a person from the same service as the alternate safety member.

1.6. RETIREMENT BOARD MEMBER ELECTION PROCEDURES

RETIREMENT BOARD MEMBERS WHO ARE ELECTED by members of StanCERA of the same category of membership (Second and Third seats by General members, Seventh and Alternate seats by Safety members, and Eighth and Alternate Seats by Retired members) shall

be elected according to the procedures set forth in this Section of the StanCERA Bylaws. In all cases where the word "Department" appears in this Section, the meaning shall be construed to include all Stanislaus County Departments, the City of Ceres and contracting Districts (all employers who use StanCERA for administration of retirement benefits). All references to Executive Director in this section may also refer to a designee. The Executive Director shall prepare a NOTICE OF ELECTION, which shall contain the deadlines for the submission of nomination papers, date of distribution of ballots, date of final receipt of ballots and the date for canvassing the ballots.

The distribution of the notice of election to active and/or retired members shall be made no more than sixty (60) calendar days and no less than forty-five (45) calendar days prior to the final date for receipt of ballots.

The Executive Director shall prepare a NOMINATION PAPER, which upon completion will contain the following information:

Name of candidate; candidate's Agency (if General or Safety member) or city and state of residence (if Retired member); a candidate's statement of not more than two hundred (200) words; signatures of the specific membership electorate in support of the candidate (General – at least twenty-five (25); Safety - at least ten (10); Retired - at least fifteen (15)). A prepared statement of willingness to serve on the Retirement Board; the Retirement Board seat number and category (General, Safety or Retired); and final date for filing the paper.

Completed nomination papers must be submitted to the Executive Director by 5:00 p.m. on the date specified in the notice of election and on the nomination paper (no later than thirty (30) days before the final date for receipt of ballots). Candidates shall only be placed on the election ballot if the above nomination papers and procedures are completed. If no valid nominations are received by the deadline, the Executive Director may extend the deadline and the timeline for the election if necessary. If only one (1) nomination paper is received by the Executive Director on or before the deadline specified for receipt, the Executive Director shall declare that the candidate is the new Retirement Board member of the seat for which the candidate sought election (pursuant to Government Code Section 31523) and shall prepare and distribute a declaration of election results.

If two (2) or more nomination papers are received by the Executive Director on or before the deadline for receipt, the Executive Director shall prepare ELECTION BALLOT MATERIALS, which shall consist of: A ballot with the candidates' names, Agency (if General or Safety member) or city and state of residence if Retired member), candidates' statements, final date for receipt of ballots and a listing of candidates' names in alphabetical order by last name with appropriate places to indicate the member's choice of a particular candidate; The ballots must be received back by 5:00 p.m. on the final date indicated on the ballot.

Ballot material may be REISSUED to members who file a notice of non-receipt of election material prepared.

The ballots shall be CANVASSED on the business day following the final date for receipt of ballots by the Executive Director (or his/her designee), one (1) member of the Retirement Board, not associated with the election in any way, and any staff from the Executive Director's office, as may be necessary to expeditiously handle the canvassing of the ballots.

The candidate who receives the HIGHEST NUMBER OF VOTES of the ballots cast shall be declared the WINNER and member of the Retirement Board to assume the seat for which the candidate ran at any Retirement Board meetings following the expiration of the term of the incumbent. The new member will serve three (3) years or for the remaining period of time in which a seat may become vacant for any reason other than the expiration of the incumbent's term of office.

The Executive Director shall prepare a DECLARATION OF ELECTION RESULTS to include the seat of the Retirement Board and the winner of the election. The number of votes for each candidate will be made available upon request.

The Executive Director shall communicate to each candidate with the results of the election and the declaration shall be posted publicly.

If any of the official candidates desires a RECOUNT or REVIEW of the ballots cast, the member must make a written petition to the Executive Director for a recount or review. The petition must be received by the Executive Director no later than fourteen (14) days following the original canvassing of the ballots. The Executive Director shall conduct the recount or review and report the results to the Chair of the Retirement Board.

1.7. COMMITTEES

The Retirement Board has determined that the following are standing committees. The Retirement Board through the Board Chair or Committee Chairs may periodically make changes to committee structures or request administrative staff or legal to support work of the committees as needed.

- A. Due Diligence Committee (DDC). The DDC may consist of the Vice-Chair or Chair as Chair, one (1) other Board member, the Executive Director, the Investment Officer and one (1) staff member appointed by the Executive Director, to act as the recorder. This committee shall insure that Due Diligence reviews are carried out and reports provided to the Retirement Board of investment manager and other vendor business reviews on a schedule as determined by these Bylaws, Policies and the committee.
- B. Internal Governance Committee (IGC). The IGC shall consist of three (3) Retirement Board members. At least one of the Retirement Board members of the committee shall have sufficient background in accounting, financial or managerial matters to understand, relate to and communicate accounting and organizational matters especially as they relate to audit reports. This committee shall have the responsibility for oversight of all financial audits (both external and internal), compliance audits, Bylaw revisions, Policy revisions, Retirement Board member education and training (including ethics) and other internal governance matters.
- C. Strategic Planning Objectives Committee (SPOC). The SPOC shall consist of no less than two (2) Retirement Board members. The committee may request input from administrative staff and attendance for staff at its meetings as the Committee so desires. The committee shall oversee and review staff recommendations of Retirement Board strategic planning objectives

and make recommendations to the full Board. This committee meets at least once every three (3) years.

- D. Performance Review and Compensation Committee (PRCC). The PRCC shall consist of current Chair, past Chair, and current Vice Chair. As needed, the PRCC will meet to discuss the performance and compensation of the position of Executive Director. The PRCC may also consider and provide feedback to the Executive Director on the performance of other executive level classifications.

The Committee's evaluation process should include but not be limited to the following criteria:

Goals: Whether the subject position's stated goals at the beginning of the evaluation period were effectively and meaningfully carried out.

Added Value: Whether the subject position added value to the retirement process in all areas of administration. Added value can be measured in (but not limited to) areas such as financial, administrative efficiency, member services, internal and external communication, and enhanced governance.

Strategic Plan: Whether the subject position's actions are consistent with the Strategic Plan and whether the Strategic Plan is being meaningfully implemented.

After the Committee meets regarding performance review and compensation, the Committee will draft a memorandum with its recommendation regarding the disposition of the subject position to the full Board of Retirement for approval.

The Retirement Board Chair at his/her discretion may appoint Retirement Board members or staff to any standing or ad hoc committee as the Chair deems necessary. At least annually, staff will prepare an update listing of committee assignments.

1.8. POLICY, PROCEDURE AND PRACTICE

In governing administration matters the following hierarchy is established in order of priority.

- A. Federal Law
- B. State Law
- C. Local ordinances and resolutions when not in conflict with higher laws
- D. StanCERA Bylaws
- E. Policies and procedures formally adopted by the Retirement Board
- F. Staff policies and procedures
- G. Practice

1.9. INDEPENDENT OPERATIONS

StanCERA is a separate legal entity from Stanislaus County and is governed by the

Retirement Board. California Constitution provides that the Retirement Board has the full responsibility and authority to invest StanCERA member retirement funds and provide necessary services in administering retirement benefits as provided in the 1937 Act, and as adopted in multiple employer-employee agreements. To fulfill the mission of StanCERA, the Retirement Board hires staff, contracts with investment managers, hires consultants and other service providers, and adopts an administrative budget.

To save the time and effort of establishing its own set of Personnel Policies and tracking labor laws (and in accordance with California State law), the Retirement Board hires staff who are Stanislaus County employees. This means that in general and in most instances, these staff will be treated (hired, paid, promoted, demoted, retired or fired) the same as other Stanislaus County employees in similar classifications. However, given that StanCERA staff provide services to a variety of public agencies and administer retirement benefits, staff are not subject to mandates from the Board of Supervisors or its agents that would interfere with or otherwise supersede the delivery of those services. To that end this Statement of Independent Operation acknowledges that from time to time, the Retirement Board may act to overrule or set aside a personnel decision or action that emanates from Stanislaus County personnel authority involving staff hired by the Retirement Board or its Executive Director. In matters of retirement benefit administration, the Retirement Board shall have final say in its handling of staff. The Retirement Board has and will continue to utilize Stanislaus County Personnel staff to handle recruitments and Stanislaus County payroll with its contingent of payroll-related items such as: extra help, Personal Services Contracts, leave time and termination cash out payments, retirement benefits, Social Security coverage, deferred compensation program, group health insurances, unemployment insurance, long term disability, workers compensation insurance, professional development, employee assistance program, cafeteria plan cash out, auto allowance and mileage reimbursement the same as other Stanislaus County employees.

The Retirement Board has used and will continue to use its hired investment consultants to aid in its decision on specific investment managers to hire, their performance and possible termination, as well as providing education on investments.

The Retirement Board has used and will continue to use a variety of special consultants, service providers, financial institutions and attorneys.

The administrative budget for StanCERA is approved and monitored solely by the Retirement Board. While the budget includes costs for Stanislaus County services through the Stanislaus County's cost allocation plan (CAP), these services are approved for payment since they support the staff in its mission to provide the promised retirement benefits. While StanCERA may choose not to utilize Stanislaus County services, it intends on continuing its use of and payment for services obtained through the Stanislaus County's CAP as needed. StanCERA will not pay for general Stanislaus County costs to the extent that it does not receive services for such costs.

1.10. ADMINISTRATION OF EXECUTIVE DIRECTOR POSITION, INVESTMENT CLASSIFICATION AND OTHER EXECUTIVE LEVEL STAFF

Specifically regarding the position of Executive Director, the Investment Officer Series and other executive level classifications, the Retirement Board shall have full control over the creation, assessment and utilization of these position classifications, including salary, minimum qualifications, and job descriptions, and will administer this control using the County's classification and compensation process and memorialization whenever feasible. It is understood that the processes used to achieve this control should not be limited to the administration of existing executive level County classifications, as StanCERA, from time to time, may need to create and administer

other executive level classifications that do not currently exist. The Retirement Board and the Executive Director will continue to work with County Personnel to ensure that any other County classifications used by StanCERA in the administration of the retirement plan are properly structured within the County's salary and position guidelines. The Investment Officer Series and other executive level classifications will report to the Executive Director.

ARTICLE 2 – MEETINGS

2.1. REGULAR MEETINGS

Regular meetings of the Retirement Board shall typically be held on the fourth Tuesday of each month at 1:30 p.m. There will typically be one summer month with no Board meeting and the November and December meeting will be combined and held the first Tuesday in December. Standard meeting agendas will include Investment and Finance items being heard first, to be followed by Administrative and Member and Employer items. When appropriate, StanCERA staff or the Retirement Chair can adjust the meeting time or alter the agenda if necessary. All regular meetings shall be held at **the Wesley W. Hall Board Room located on the sixth floor of 832 12th Street, Modesto,** California, unless changed by the Chair and proper notice given by the Executive Director or staff.

2.2. SPECIAL MEETINGS

Special meetings and emergency meetings of the Retirement Board may be scheduled at any time by the Chair of the Retirement Board or any five (5) members of the Retirement Board. The Executive Director or staff shall publicly post and give each Retirement Board member the minimum notice required by the Ralph M. Brown Act.

2.3. PERSONS ATTENDING MEETINGS

All meetings of the Retirement Board shall be open to the public, except closed sessions as permitted by law.

2.4. RULES OF ORDER

In general, ROBERT'S RULES OF ORDER shall guide the Retirement Board in its proceedings, except as otherwise provided herein or in the 1937 Act. The Chair shall have a vote on all questions and motions and shall not be required to relinquish the Chair in order to participate in discussions.

The Chair shall not make or second a motion. The order of business shall include:

- A. Roll Call
- B. Announcements
- C. Public Comment
- D. Consent Items (e.g., Approval of minutes, informational items & retirements)
- E. Investment Matters

- F. Administrative and Member and Employer Matters
- G. Committee Reports and Recommendations
- H. Closed Session
- I. Members' Forum (Information and Future Agenda Requests Only)
- J. Adjournment

The Retirement Board Chair may make changes in the above order at his/her discretion.

Requests for Staff Support by the Board

The Board shall request any research, analyses and reports from staff as are necessary for the Board's effective oversight of StanCERA operations. Such requests will be agendaized and considered at regularly scheduled Board meetings. If approved, the Executive Director will be responsible for coordinating the completion of the approved project or report within a reasonable time or by the completion date specified in the Board action.

Requests by Individual Board Members for Staff or External Support

Board members making individual requests for information will be advised to make the request with the full Board during Member's Forum, unless the information is readily available and the Executive Director determines that a response will not require any significant commitment of staff time or other external StanCERA resources.

2.5. QUORUM

Five (5) members of the Retirement Board shall constitute a quorum. No business may be transacted without a quorum.

No motion may be passed without a majority of the quorum voting affirmatively.

2.6. CORRESPONDENCE

All correspondence to the Retirement Board must be in writing and received by the Executive Director five (5) business days prior to any regularly scheduled Retirement Board meeting to appear on the Retirement Board agenda. Public comment can be submitted in writing or can be provided in-person and is limited to three (3) minutes. The Chair has discretion to limit or extend public comment further as needed.

2.7. MINUTES

The Executive Director shall cause to be recorded in the minutes the time and place of each meeting, the name of each Board member present, a summary of official actions taken by the Retirement Board, and such other information that will concisely reflect each meeting's content. The minutes shall be presented for Retirement Board approval at its next regular meeting.

Such minutes shall be signed by the Executive Director, approved as to form by general legal counsel, and shall become a part of the Retirement Board's permanent record. A record of recent meetings will be posted on StanCERA's website and staff will make efforts to retain an electronic record of the meetings.

2.8. COMPENSATION OF MEMBERS

Pursuant to Government Code Sections 31520.5 and 31521, those members (appointed by the Board of Supervisors and the retiree representatives) shall be eligible to receive the maximum allowance per meeting of the Retirement Board or meeting of a committee for not more than the maximum meetings allowed per month.

ARTICLE 3 - CLAIMS FOR BENEFITS, RIGHTS, OR PRIVILEGES OTHER THAN DISABILITY RETIREMENT

3.1 PURPOSE

The purpose of this article is to provide a procedure for acting upon applications for rights, benefits, and privileges other than applications for disability retirement under the 1937 Act to the end that applications can be expeditiously processed with a minimum lapse of time and that when a hearing is required by law, the Applicant will have notice of the hearing and an opportunity to appear before the Retirement Board and present his/her case.

3.2 FILING AND AMENDMENT OF APPLICATIONS

- A. A claim for rights, benefits, and privileges other than applications for disability retirement shall be made by filing with the Retirement Board staff a claim that clearly states what is requested, together with all facts, information, and documentation supporting such claim and facts. Upon the filing of the claim, the Retirement Board staff shall serve the Applicant with a copy of this article and forward the claim to the Executive Director for the Executive Director's review, investigation, and recommendation, pursuant to the provisions of this article.
- B. If, during the pendency of an request, there is any change in any of the facts or claims set forth, the Applicant shall immediately file with the Retirement Board staff and serve on all interested parties written notice of the change. Upon the filing of such notice with the Retirement Board staff, the claim shall be deemed amended accordingly.
- C. Failure to accurately and fully complete or timely amend a claim may delay its processing or, in the discretion of the Retirement Board or hearing officer, preclude the Applicant from asserting or introducing evidence of the omitted or changed fact(s) or claim(s).

3.3 FURTHER INFORMATION TO BE FURNISHED BY APPLICANT

At any time during the pendency of a claim, the Executive Director, the Retirement Board, or the counsel for StanCERA may, by written notice to the Applicant, request that the Applicant serve, within thirty (30) days or such further time as may be designated, any or all of the following items: copies of all pertinent records and reports, copies of all other documents upon which the Applicant relies in support of the application, and sworn written responses to written inquiries concerning any matter, which is, either relevant to the subject matter of the application or is reasonably calculated to lead to the discovery of evidence, which would be admissible at hearing.

3.4 ADMINISTRATIVE RECOMMENDATION

A. Upon review of the application and information submitted by the Applicant, and all other relevant material, the Executive Director shall make one of the following recommendations to the Retirement Board:

1. "Grant claim for benefits" where the Executive Director determines, from all available information that there is no substantial conflict with respect to the facts necessary to grant an application for benefits, rights, or privileges.
2. "Refer for hearing:" where the Executive Director is unable to find, from all available information, the necessary conditions to recommend granting a claim for benefits, rights, or privileges. At any time prior to hearing, the Executive Director may, in accordance with the standards set forth in Subsection 5.4, withdraw his recommendation to refer to hearing and recommend that the claim for benefits, rights, or privileges be granted, and the Retirement Board may act, thereon, in the manner prescribed in Section 3.5 of this Article.
3. "Deny claim for benefits" where the Executive Director determines from all available information that there is no substantial evidence to support the facts necessary to grant such a benefit.

B. The Executive Director's recommendation to the Retirement Board shall be made at a regular meeting of the Retirement Board after placing the matter on the agenda of a Retirement Board meeting.

3.5 PROCEDURE UPON ADMINISTRATIVE RECOMMENDATION

With respect to each claim, for which the Retirement Board has received an administrative recommendation, pursuant to Section 5.4, the Retirement Board shall, at the first meeting where the matter properly appears on its agenda, take the following action or any other action that the Retirement Board may deem appropriate:

- A. If the administrative recommendation is "grant claim for benefits" the Retirement Board may either grant such a claim or refer for hearing.
- B. If the administrative recommendation is "refer for hearing", the Retirement Board may either refer all issues for hearing or remand to the Executive Director for further investigation.

- C. If the administrative recommendation is "deny claim for benefits", the Retirement Board may either deny such benefit, grant such benefit, or refer all issues to hearing.
- D. For items referred for hearing, the Retirement Board can refer the matter to a hearing officer or preside over the matter at a scheduled Board meeting.

3.6 SETTING FOR HEARING

- A. If the Retirement Board determines that a matter is to be set for hearing, the matter shall be heard by a hearing officer unless the Retirement Board moves to hear the matter itself. If the Retirement Board determines that the matter shall be heard by a hearing officer, the Executive Director shall notify counsel, who shall promptly schedule a hearing, taking into consideration the availability of a qualified hearing officer, the availability of witnesses for the parties, and any other matter necessary and appropriate for the hearing. The Executive Director's counsel shall give written notice of the date, time and place of the hearing to all interested parties at least 30 days in advance of the scheduled hearing, unless otherwise stipulated by all interested parties.
- B. The Executive Director shall maintain a list of retired judges or qualified licensed attorneys who are approved by the Retirement Board staff and who are available to serve as hearing officers. The Executive Director shall appoint the hearing officer for each hearing by determining which person on the list served last and selecting the person next in order. In the event the person next in order declines to serve as hearing officer or is unavailable to serve within a reasonable period of time, the Executive Director shall appoint the person on the list next in order. The notice of hearing shall include the identity of the person appointed as hearing officer. Any interested party may promptly object in writing to the appointment of a particular hearing officer. If said written objection is not filed with the Executive Director's office at least ten (10) business days prior to the date first set for hearing, any such objection may be waived. In the event such objection is timely filed, the Executive Director shall appoint as hearing officer the person next in order on the hearing officer list. In any case, the Executive Director may refer the matter to the Board in lieu of using a hearing officer.
- C. Upon stipulation by the interested parties or upon a showing of good cause, the hearing officer or the Retirement Board may continue a hearing to a new date.
- D. The party requesting the continuance shall bear all costs relating to the continuance unless good cause is shown to the hearing officer or to the Retirement Board. Such costs include, but are not limited to, hearing officer fees, court reporter fees, witness fees, and any other costs, fees and expenses incurred by the Retirement Board, by anyone on behalf of StanCERA or by any other interested party as a result of the continuance.

3.7 PRE-HEARING PROCESS

- A. The Executive Director shall schedule a date for the hearing in coordination with counsel. The Retirement Board or hearing officer may, upon stipulation by the interested parties or showing of good cause, continue a hearing to a new date. The party requesting the continuance shall bear all costs relating to the continuance, unless good cause is shown to the Retirement Board.
- B. Within thirty (30) days of the date of the hearing, the Applicant shall provide a copy of all documents and writings, which the Applicant proposes to introduce at the hearing to the Executive Director, and the Executive Director shall provide a copy of documents and writings that the Executive Director intends to introduce at the hearing to the Applicant. Any interested party may request a pre-hearing conference. The Applicant or the Executive Director may set a pre-hearing conference by serving all interested parties with written notice of the conference at least fifteen (15) days in advance. Such conferences shall be attended by all interested parties and their counsel.
- C. Any interested party shall at any time after filing of the claim, be entitled to undertake discovery in the form of requests for admissions, interrogatories or depositions in the manner prescribed by the Code of Civil Procedure, provided that such discovery is limited to the matters set forth in the claim.
- D. Formal discovery shall be limited to those procedures provided in this Article and the 1937 Act, except as otherwise stipulated between the parties or as authorized by the Retirement Board or hearing officer upon a showing of good cause.

3.8 HEARING PROCEDURES

- A. Every hearing before a hearing officer shall be reported by a certified court reporter, and every hearing before the Retirement Board shall be electronically recorded.
- B. At any hearing, any interested party may be represented by legal counsel, at their own cost.
- C. The hearing officer or, with respect to hearings before the Retirement Board, the Chair or the Chair's designee, shall exercise such control over the hearing as is reasonable and necessary including, but not limited to, prescribing the order of proof; ruling upon the admissibility of evidence; ordering medical examinations; requiring that additional relevant evidence be gathered and presented; questioning witnesses; and determining whether the matter shall proceed or be adjourned subject to continuation.
- D. Except as otherwise provided in this Article, any relevant evidence shall be admitted if it is the sort of evidence on which reasonable and responsible persons are accustomed to rely on in the conduct of serious affairs regardless of the existence of any common law or statutory rule, which might make improper the admission of such evidence over objections

in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in and of itself to support a finding unless it would be admissible over objection in civil actions.

- E. Oral evidence shall be taken only on oath or affirmation.
- F. On any relevant matter, each interested party shall have the right to call and examine witnesses, introduce documentary and other physical evidence, and cross-examine opposing witnesses. Any interested party who does not testify on his own behalf may be called and examined as a witness, as if, under cross-examination.
- G. Refusal of the Applicant or interested party to submit to examination or to answer relevant questions shall be grounds for considering such questions for the purpose of that hearing to be answered in a way unfavorable to the refusing party.
- H. Any interested party may offer, and the Retirement Board or hearing officer shall receive into evidence, the deposition of any witness subject to the objections available under Code of Civil Procedure Section 2025.010 et seq., notwithstanding, that the deponent is not "unavailable as a witness" within the meaning of Section 240 of the Evidence Code and no exceptional circumstances exist if:
 - 1. The deposition was taken in the manner provided for by law or by stipulation of the parties; and
 - 2. At least thirty (30) days prior to the hearing, the proponent of the deposition delivered to all interested parties notice of intention to offer the same into evidence. Any interested party, upon receiving such notice, may subpoena the deponent and, if he does so, at the discretion of the Retirement Board or hearing officer, either the deposition may be excluded from evidence or the deposition may be admitted and the deponent may be further cross-examined by the party who subpoenaed him. These limitations are not applicable to a deposition admissible under the terms of Section 2025.010 of the Code of Civil Procedure.
- I. For the purposes of this Section, "delivery" of a document or notice may be accomplished manually or by mail in the manner provided by Subsection 3.14. If delivery is by mail, the times prescribed in this subsection for delivery of documents and notices shall be increased by five (5) days.

3.9 DECISION OF THE HEARING OFFICER

- A. Where a hearing is held before a hearing officer, the hearing officer shall prepare, in writing, proposed findings of fact and recommended decisions and reasons therefor.
- B. Within forty-five (45) days after the matter is submitted, the hearing officer shall file with the Retirement Board the proposed findings of fact and recommended decision, which shall include those documents received into evidence or rejected and shall serve the same on all interested parties. The hearing officer shall not be entitled to remuneration for his services, until the aforesaid documents have been filed and served.

- C. Within ten (10) days following the service of the hearing officer's proposed findings of fact and recommended decision, any interested party may submit objections, thereto, by filing the same with the Retirement Board staff and serving the same on all interested parties.

3.10 ACTION BY THE RETIREMENT BOARD UPON HEARING OFFICER DECISION

Upon receiving the proposed findings of fact and recommended decision, the Retirement Board may:

- A. Approve and adopt the proposed findings and recommendations of the referee; or
- B. Require a transcript or summary of all the testimony plus all other evidence received by the hearing officer and, thereupon, take such action as in its opinion is indicated by such evidence; or
- C. Refer the matter back with/without instructions to the hearing officer for further proceedings; or
- D. Set the matter for hearing before the Retirement Board on a date within the next forty-five (45) days. At such a hearing, the Retirement Board shall hear and decide the matter as if it had not been referred to a hearing officer.

3.11 HEARINGS BEFORE THE RETIREMENT BOARD

- A. Five (5) members of the Retirement Board constitute a quorum for the making of any decision at a hearing held, pursuant to the provisions of this Article. No findings of fact or decision by the Retirement Board shall be valid unless approved by a majority of all members present
- B. When a hearing is held before the Retirement Board, the Retirement Board shall, no later than the second regular meeting following the meeting at which the matter is submitted, determine all material issues and shall incorporate such determinations in a written decision and findings of fact.
- C. Within ten (10) days following the date the Retirement Board renders its decision and findings of fact the Retirement Board shall serve all interested parties with a copy of the same together with a notice of the right to judicial review of the Retirement Board's decision as set forth in Section 3.14.

3.12 DATE OF FINAL DECISION AND NOTICE THEREOF

The decision of the Retirement Board shall be final on the date notice, thereof, is mailed to the subject employee by US first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing. A copy of the decision along with the affidavit or certificate of mailing shall simultaneously be mailed to the applicant, if other than the subject employee, and to all other interested parties and their respective counsel.

3.13 JUDICIAL REVIEW OF THE RETIREMENT BOARD'S DECISION

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All parties including the member applicant shall be entitled to judicial review of Board decisions pursuant to Code of Civil Procedure Section 1094.5 and related statutes. To obtain judicial review of a board decision, a party must file a valid petition for writ of administrative mandamus with the superior court. Judicial review of the final retirement decisions shall be subject to Code of Civil Procedure Section 1094.6. This section has been made applicable by the Retirement Board and the Stanislaus County Board of Supervisors. Following each final decision, the Executive Director shall include in the notice of decision a statement substantially as follows: "The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure section 1094.6, which has been made applicable to StanCERA by the Retirement Board and the Stanislaus County Board of Supervisors. Generally, any petition or other paper seeking judicial review must be filed in the appropriate court not later than the ninetieth (90) day following the date on which this decision becomes final. Judicial review of a final decision is reviewable, pursuant to Code of Civil Procedure section 1094.5 only if the petition for writ of mandate made pursuant to Code of Civil Procedure section 1094.06 is filed within the time limits specified in latter section."

3.14 SERVICE OF NOTICE

- A. Unless otherwise provided by these Bylaws or by statute, where the provisions of this Article require service of a notice, demand, request, or other written communication, service shall be made on the party on whom service is required unless the said party has filed notice of representation by counsel, in which case service shall be made upon counsel of record for that party.
- B. Where the provisions of this article require service on "interested parties," such service shall be made on StanCERA, on all interested parties who have appeared in the subject proceedings, and on all interested parties who have not appeared in such proceedings and who have filed a request to be served with documents, which are served and filed in such proceedings. Pursuant to Government Code section 31532, unless otherwise ordered by a court of competent jurisdiction or necessary for the processing of an application, sworn statements and individual records of members shall not be disclosed by StanCERA.
- C. Unless otherwise provided by these Bylaws or by statute, the service of all notices, orders, requests, and other written communications, which are not personally served, shall be effected by sealing the same in an envelope properly addressed to the party to be served and depositing the envelope in the United States mail with first class postage fully prepaid, and any applicable time limitations shall be extended in the manner prescribed by Code of Civil Procedure Section 1013.
- D. For purposes of determining the effectiveness of service on an Applicant, correspondence shall be deemed "properly addressed" if it bears the address specified on the application,

or, if the application has been amended, the address specified on the most recently filed amended application.

ARTICLE 4 - AMENDMENTS AND REPEALS

4.1 AMENDMENTS

The Retirement Board may, as it deems necessary and desirable, by an affirmative vote of five (5) members, amend these Bylaws to be effective when approved by the Stanislaus County Board of Supervisors.

4.2 REPEALS

All former Bylaws and amendments thereto are hereby repealed. The foregoing Bylaws become effective when approved by the Board of Supervisors as provided by Government Code Section 31525.

4.3 BYLAWS REVIEW

The Bylaws shall be reviewed by a committee appointed by the Chair of the Retirement Board and revisions and/or amendments brought before the Board on or before December 31st at each odd year, or as needed.

ARTICLE 5 - SUBPOENAS

5.1 POWER TO ISSUE SUBPOENAS

The Retirement Board, the Executive Director or a Hearing Officer appointed under these Bylaws may issue subpoenas or subpoenas duces tecum in accordance with the provisions of Government Code Section 31535. Subpoenas shall be signed by the Chair of the Retirement Board, the Clerk of the Retirement Board, the Executive Director, or the Hearing Officer.

5.2 PARTIES ENTITLED TO ISSUANCE OF SUBPOENAS

Any Party to a pending transaction or other proceeding under these Bylaws may request that subpoenas be issued on the party's behalf by the Retirement Board, the Referee, or the Executive Director. The scope of such subpoenas shall be limited to the subject matter of the application or proceeding. The party requesting such subpoenas shall be solely responsible for enforcing them in the same manner found in Government Code section 25170 et seq, as set forth in Government Code section 31535, and shall bear all costs incurred in connection with issuance of such subpoenas.

HISTORICAL NOTES

Approved by the Board of Supervisors on September 27, 1988.

Amendment to Sections 4.4.(A), 4.6.(B), and 4.6.(C) approved by the Board of Supervisors on

April 25, 1989.

Amendment to Sections 4.4.(A), 4.4.(B), 4.6.(B), 4.6.(C) and 4.7.(A) and deletion of Section 4.6.(D) approved by the Board of Supervisors on December 19, 1989.

Amendment to Section 1.5. approved by the Board of Supervisors on March 27, 1990.

Amendment of Section 1.2 by addition of Subsection (J) approved by the Board of Supervisors on October 2, 1990.

Addition of Section 3.11, (A), (B), and (C) approved by the Board of Supervisors on October 2, 1990.

Amendment of Article 1, addition of Section 1.6 approved by the Board of Supervisors on April 27, 1993.

Revision of the Bylaws approved by the Board of Supervisors on August 18, 1998.

Amendment of Article 2 approved by the Board of Supervisors on April 6, 1999

Amendment of Article 1 approved by the Board of Supervisors on August 31, 1999

Amendment of Article 1, Section 1.5, approved by the Board of Supervisors on October 31, 2000

Revision of the Bylaws approved by the Board of Supervisors on July 2, 2002

Revision of the Bylaws approved by the Board of Supervisors on December 11, 2002

Amendment of Article 2, Section 2.1, approved by the Board of Supervisors on December 5, 2006

Revision of the Bylaws approved by the Board of Supervisors on December 4, 2007

Amendment of Article 1, Section 1.7, approved by the Board of Supervisors on March 25, 2008

Revision of the Bylaws approved by the Board of Supervisors on May 24, 2011

Amendment of Articles 1-3, 8-11 approved by the Board of Supervisors on February 25, 2014

Amendment of Article 1.7 approved by the Board of Supervisors on March 15, 2016

Removal of Prior Articles 4 (Member Contributions), 5 (Service Retirement), 6 (Service), 7 (Compensation Earnable) and 14 (Continuing Education and Due Diligence Visitations). Prior articles 4, 5, 6, 7 and 14 reclassified as StanCERA Internal Policies. Prior articles 9 (Claims for Disability Retirement), 10 (Claims for Benefits, Rights, or Privileges Other Than Disability), 8 (Amendments and Repeals) and 11 (Subpoenas) reclassified to articles 4, 5, 6 and 7, respectively. Approved by the Board of Supervisors on 12/4/2018

Removal of Section 3 (Membership) and Section 4 (Claims for Disability). These items have been updated as Board approved policy related to Member Benefits. Additional technical corrections and updates made to remaining sections as well. Approved by Retirement Board December 2, 2025 and approved by the Board of Supervisors January 13, 2026.