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San Bernardino County Employees' Retirement Association

Origination	N/A
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Effective	Upon Approval
Last Revised	N/A
Next Review	3 years after approval

Area	General
Applicability	SBCERA systemwide

## Designation of the Ex Officio Delegate to the Board

General Policy No. 023

### I. Background

The San Bernardino County Employees' Retirement Association (SBCERA) Board of Retirement is established in accordance with the County Employees' Retirement Law (CERL) of 1937. The Board consists of nine members and two statutory alternates including four members appointed by the San Bernardino County Board of ~~Supervisor~~Supervisors, two General Member Trustees elected by the General membership, a Safety Member Trustee and Alternate elected by the Safety membership, a Retired Member Trustee and alternate elected by the Retired membership, and the San Bernardino County Treasurer who serves as an ex officio member.

In recognition of the authority permitting a public officer, including the County Treasurer as the Ex Officio Trustee, to act through a deputy or authorized representative, the Board finds it appropriate for the Ex Officio to designate a delegate under an established framework. This Policy is therefore intended to implement the delegation by establishing clear guidelines for the designation and participation of a Delegate. The Delegate role is not intended to create an additional Trustee or non-statutory alternate Trustee position, but rather to allow representation of the Ex Officio Trustee when necessary and appropriate, subject to the conditions set forth herein.

### II. Designation of Delegate

The Ex Officio Trustee may designate a Delegate to act in limited representative capacity on the Board, subject to the following process and requirements:

#### A. Written Designation

The designation must be made in writing, include the Delegate's name, title, and effective date and be filed with the SBCERA Clerk of the Board.

### B. Eligibility

The Delegate must be an employee of the Auditor-Controller/Treasurer-Tax Collector's office ~~at the level of Division Chief or higher, or equivalent.~~

### C. Required Compliance

Prior to serving, the Delegate must acknowledge their fiduciary duties. The Delegate must also complete State mandated trainings (such as ethics and harassment prevention), trustee education requirements of 24 hours every two years, file any required statement of economic interests, and comply with applicable laws and SBCERA policies. The Delegate is subject to the same confidentiality requirements as Trustees, including restrictions on disclosure of Closed Session information.

### D. Effect and Duration

The designation shall run conterminously with the ~~Treasure~~Treasurer's term of elected office unless revoked or replaced in writing.

### E. Limitations

Only one Delegate may be designated at a time. The Delegate's authority is limited to acting on behalf of the Ex Officio Trustee as provided in this policy and does not create an independent Trustee or Committee position.

## III. Delegate's Scope of Participation

The Delegate may participate in Board and Committee meetings only as expressly permitted by this policy and subject to the following limitations:

### A. General Participation

The Delegate may attend Board and Committee meetings when acting in the place of the Ex Officio Trustee. The Delegate shall be deemed to be acting in the place of the Ex Officio only when the Ex Officio Trustee is absent from the meeting or agenda item. When acting in the place of the Ex Officio, the Delegate may sit at the dais, deliberate, and vote. If the Ex Officio becomes present after the Delegate has begun acting in a representative capacity, the Delegate shall immediately cease acting in that capacity, including voting or deliberating. For the avoidance of doubt, the Delegate may be present at a meeting while attending as a member of the public, and in such capacity, may provide public comment on an agendized item.

### B. Committee Participation

The Delegate shall not be independently appointed to any Board Committee. The Delegate may participate and vote in Committee meetings only when the Ex Officio is assigned to that Committee, is absent, and the Delegate is acting in the absence of the Ex Officio.

### C. Closed Session Attendance

~~The~~ Under the Brown Act, Closed Session is restricted to the legislative body and essential staff. Since the Delegate is not a member of the legislative body as defined by the Brown Act and CERL, the Delegate may attend Closed Session only when their presence is necessary to the matter under consideration, when the Ex Officio is not present, or when Chief Counsel determines the Delegate's presence is consistent with the Brown Act, ~~and with the approval of the Board Chair~~. Attendance for general observation or information purposes is not permitted.

**D. Limitations on Authority**

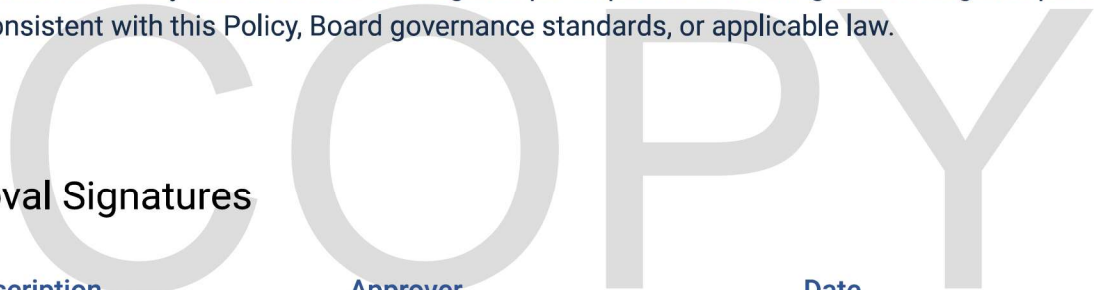
The Delegate shall comply, with all SBCERA policies, including, but not limited to, the Governance Policy.

**E. Educational Conferences and Due Diligence**

The Delegate may attend education and training opportunities at the expense of SBCERA as provided in the Trustee Travel and Expense Policy (Education & Training Policy No. ~~013~~003), as well as attend due diligence meetings when acting in the absence of the Ex Officio and in accordance with Investment Policy No. 007.

## IV. Chair's Authority

The Board Chair may limit or revoke a Delegate's participation at meeting if the Delegate's participation is inconsistent with this Policy, Board governance standards, or applicable law.



### Approval Signatures

Step Description	Approver	Date
Policy Owner & Chief Counsel Review	Barbara Hannah: Chief Counsel	Pending

### Applicability

SBCERA, SBCERA Internal