

Memorandum

Date: September 4, 2013

To: Board of Retirement
Marilyn Leedom, Chief Executive Officer

From: Karen Levy, General Counsel

Subject: Filling of Retirement Board Vacancy
Seventh (Safety) Member – Govt. Code Section 31523

Update

The Board's seventh (safety) member, Terry Buck, has retired. The Seventh seat is therefore vacant. Pursuant to the County Employee Retirement Law of 1937 ("CERL"), in the event of a vacancy in the seventh member position, the Retirement Board "shall cause an election to fill the vacancy to be held at the earliest possible date." (Govt. Code § 31523.) The candidates for the position are limited to the safety group not represented by the incumbent alternate seventh board member. Currently, the incumbent alternate seventh (safety) board member is from the deputy sheriffs' group (Section 31470.2), therefore the candidates for the vacant safety seat are limited to members from the firefighters' group (Section 31470.4). In the event there are no candidates from the firefighter's group, then candidates may be from a safety group other than firefighters and sheriffs. In the event only one candidate has been nominated for election to the seventh (safety) seat, no election will be held and a unanimous ballot will be cast in favor of the single candidate to fill the position.

The successful candidate for the Seventh (safety) position would serve for the duration of the current term (i.e., until 6/30/2014).

During the vacancy in the Seventh member's seat, the alternate seventh board member fills the vacancy until a successor is elected. (Section 31520.1(b).)

Recommendation

In light of the vacancy in this seat, the CCCERA Board of Retirement should cause an election to be held at the earliest possible date in order to fill the vacancy in the seventh safety member seat.

