

1 **BEFORE THE BOARD OF RETIREMENT**  
2 **FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION**

3 In the Matter of the Adoption ) Resolution Adopting General Tier IV for  
4 of General Tier IV For Staff ) Staff Members of FCERA Whose Services  
5 Members of FCERA Whose ) Commence on or After June 11, 2012  
6 Services Commence on or )  
7 After June 11, 2012

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8 WHEREAS, the Board of Retirement ("Board") of the Fresno County Employees'  
9 Retirement Association ("FCERA") is duly formed and constituted pursuant to the  
10 County Employees' Retirement Law of 1937, Government Code Section 31450, *et. seq.*  
11 ("CERL");

12  
13 WHEREAS, pursuant to Government Code section 31522.1, the Board "may  
14 appoint such administrative, technical, and clerical staff personnel as are required to  
15 accomplish the necessary work of the board[ ]."

16 WHEREAS, pursuant to Government Code section 31522.2, which has been  
17 adopted by the County of Fresno, the Board may appoint an Administrator.

18  
19 WHEREAS, pursuant to Government Code sections 31522.1 and 31522.2, all  
20 FCERA staff members, including the FCERA Administrator, are "county employees."

21 WHEREAS, pursuant to *Corcoran v. Contra Costa County Employees'*  
22 *Retirement Board* (1997) 60 Cal.App.4th 89, the Board is the governing body of the staff  
23 members it appoints to accomplish the necessary work of the Board and therefore the  
24 Board has the authority to determine the retirement benefits that FCERA staff members,  
25 including the FCERA Administrator, earn.

26 WHEREAS, depending upon their bargaining unit (or unrepresented status) and  
27 the date their services commenced, FCERA staff members historically have earned  
retirement benefits under General Tier I, General Tier II or General Tier III, under the

1 same terms and conditions that are applicable to other county employees, as described  
2 in Resolution No. 12-119 of the Board of Supervisors of the County of Fresno, which is  
3 attached hereto as Exhibit A.

4 WHEREAS, pursuant to Exhibit A hereto, the Board of Supervisors of the County  
5 of Fresno adopted General Tier IV for all new general employees of the County whose  
6 services commence on or after June 11, 2012. The terms of General Tier IV are fully  
7 set forth in Exhibit A hereto.

8 WHEREAS, The Board's intent is that FCERA staff members earn the same  
9 retirement benefits earned by other county employees in the same bargaining unit (or  
10 unrepresented status), and based on the date their services commence, as set forth in  
11 Exhibit A.

12 WHEREAS, pursuant to Government Code section 31483, the Board may  
13 terminate the applicability of provisions of the CERL and make different provisions of  
14 the CERL applicable for new FCERA staff members whose services commence on or  
15 after a specified date.

16  
17 NOW THEREFORE, it is resolved by the Board as follows:

18  
19 **The Board hereby terminates the availability of General Tier I, General Tier**  
20 **II and General Tier III, and adopts the provisions of General Tier IV, for all new**  
21 **staff members of FCERA, including the FCERA Administrator, whose services**  
22 **commence on or after June 11, 2012.**

23 //

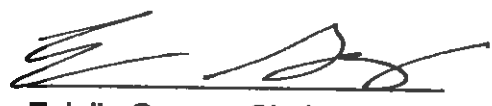
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1 ON A MOTION BY Board Member Coburn and seconded by Board Member  
2 Jolly, the foregoing resolution was adopted by the Board of Retirement of the Fresno  
3 County Employees' Retirement Association on April 18, 2012, by the following votes:

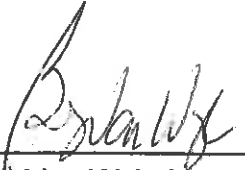
4 AYES: Austin, Basua, Coburn, Criego, Crow, Jolly, Larson

5 NOES: Gomez, Souza

6 ABSENT: None



7  
8 Eulalio Gomez, Chairperson  
9 Board of Retirement  
10 Fresno County Employees'  
11 Retirement Association



12 Becky Van Wyk, Interim Secretary