


Circular Letter

California Public Employees' Retirement System
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Date: **July 31, 1998**

Reference No:

Circular Letter No: **800-006**

Distribution: Special

Special:

**TO: PERSONNEL DIRECTOR AND FINANCE DIRECTOR
ALL CITY AND COUNTY PUBLIC AGENCIES**

**SUBJECT: EXCLUSION OF ELECTED OR APPOINTED OFFICERS* OF
A CITY OR COUNTY**

Assembly Bill No. 2743, effective January 1, 1997, **excluded from membership in the California Public Employees' Retirement System (CalPERS) elected or appointed officers of a City or County who serve on public commissions, boards, councils or similar legislative or administrative bodies, and who are elected or appointed to a fixed term of office (except for persons elected to a City Council or a County Board of Supervisors).** These excluded City and County elected or appointed officers*, similar in service to those elected or appointed officers excluded by Senate Bill No. 53, effective July 1, 1994, are typically compensated only for attendance at meetings and reimbursed for expenses. You may refer to Circular Letter No. 800-127 dated October 31, 1994, which outlined the changes made by Senate Bill No. 53.

The following interpretation of Assembly Bill No. 2743 [Government Code Section 20322, Subdivision (c)] will help you in making a determination of CalPERS' membership or non-membership for elected or appointed officers of a City or County who serve on public commissions, boards, councils, or similar legislative or administrative bodies, and who are elected or appointed to a fixed term of office.

- Elected or appointed officers* of a City or County who are elected or appointed to office for the **first time** on or after January 1, 1997, are **excluded** from CalPERS membership.
- Reelected or re-appointed officers* of a City or County who are reelected or re-appointed **after a break** from the term of office held on December 31, 1996, are **excluded** from CalPERS membership.

*Who serve on public commissions, boards, councils, or similar legislative or administrative bodies, and who are elected or appointed to a fixed term of office. (Exception: Persons elected to a City Council or a County Board of Supervisors continue

to be eligible to elect CalPERS membership.)

- Previously elected or appointed officers* of a City or County who are currently CalPERS members and who have been continuously in an office which began before January 1, 1997, are **not excluded** from CalPERS membership. These officers remain in CalPERS membership as long as they continue in the same office with no break in service.
- Previously elected or appointed officers* of a City or County who are not currently members of CalPERS and who have been continuously in the same office which began before January 1, 1997, are **not excluded** and have the opportunity to elect CalPERS membership on or after January 1, 1997, as long as the officer is actively in that office with no break in service.

Please note that the restrictions of Assembly Bill No. 2743 [Government Code Section 20322, Subdivision (c)] do not apply to persons elected to a City Council or a County Board of Supervisors. These officers continue to be eligible to elect CalPERS membership.

If you have any questions, please call (916) 326-3420.

*Who serve on public commissions, boards, councils, or similar legislative or administrative bodies, and who are elected or appointed to a fixed term of office.