Title 2. California Public Employees' Retirement System

NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to add to the regulations described in the Informative Digest after considering public comments, objections, or recommendations regarding the proposed actions.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to add Section 552 entitled "Board of Administration, Board Meeting Notice" to article 1 of chapter 2 of division 1 of title 2 of the California Code of Regulations. The proposed regulation interprets "notice" of meetings required by Government Code section 11125, in the Bagley-Keene Open Meeting Act of 2004, as including notice sent by electronic mail.

II. WRITTEN COMMENT PERIOD

Any person interested may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5 p.m. on August 30, 2010. The Regulations Coordinator must receive all written comments by close of the comment period. Comments may be submitted via fax at (916) 795-4607; email at the following address: veronica_mora@calpers.ca.gov; or mail to the following address:

Veronica Mora, Regulations Coordinator
California Public Employees' Retirement System
P.O. Box 942707
Sacramento, California 94229-2707
Telephone: (916) 795-0713

III. PUBLIC HEARING

Comments on the proposed actions will also be taken at a public hearing to be placed on the agenda of the regularly scheduled meeting of the Benefits and Program Administration Committee of the CalPERS Board:

September 14, 2010
9:00 a.m.
California Public Employees' Retirement System
Lincoln Plaza North, Auditorium
400 Q Street, Sacramento, California, 95811

Title 2. California Public Employees' Retirement System

NOTICE OF PROPOSED REGULATORY ACTION

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

V. AUTHORITY AND REFERENCE

The CalPERS Board of Administration has the plenary authority and fiduciary responsibility for investments of moneys and administration of CalPERS, pursuant to the California Constitution (section 17 of Article XVI) and the Public Employees' Retirement Law (PERL) (California Government Code title 2, division 5, part 3). The proposed regulation is implementing, interpreting and making specific Government Code section 11125.

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code section 11125 of the Bagley-Keene Open Meeting Act requires the Board to provide notice of its meetings to any person who requests that notice in writing. Notice must be given and made available on the internet at least ten (10) days in advance of the meeting.

Government Code section 11125 further provides the Board meeting notice must include:

- The name, address and telephone number of the Board of Administration support staff who can provide further information prior to the meeting;
- The address of the internet site where notices required are made available;
- A specific agenda for the meeting, containing a brief description of the items of business to be conducted or discussed in either open or closed session. A description of a matter or other item of business to be conducted or discussed in closed session shall include a citation to the specific statutory authority under which a closed session is being held;
- Information that would enable a person with a disability to know how, to whom, and by when a request may be made for any disability-related modification or accommodation, including auxiliary aids or services.

Title 2. California Public Employees' Retirement System

NOTICE OF PROPOSED REGULATORY ACTION

A Board Meeting Notice "may contain" additional information that is for public notice.

CalPERS previously mailed hard copies of the Board meeting notice every month to individuals who requested notification. Other state agencies, including the Board of Equalization, have interpreted Government Code section 11125 to allow the electronic mailing of Board meeting notices. (Per title 18, Cal.Code of Regs, section 5530.) To achieve cost savings, support CalPERS environmentally-friendly efforts, and increase the quality of customer service delivery, CalPERS similarily interpreted Government Code section 11125 to allow electronic mailing of Board meeting notices.

Proposed section 552 codifies CalPERS' interpretation of Government Code section 11125. As drafted, the new section gives CalPERS the flexibility to provide notice of Board meetings either by electronic mail or U.S. Postal Service.

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business as it applies only to internal CalPERS operations.

VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

A. MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS: The proposed regulatory action does not impose a mandate on local agencies or school districts.

B. COST OR SAVINGS TO ANY STATE AGENCY: The proposed regulatory action does not impact costs or savings for any state agency.

C. COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT: The proposed regulatory action does not impose costs or savings for any local agency or school district which must be reimbursed in accordance with Government Code sections 17500-17630.

D. NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES: The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.

E. COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE: The proposed regulatory action does not impact any federal funding to the state.

Title 2. California Public Employees' Retirement System

NOTICE OF PROPOSED REGULATORY ACTION

F. ADVERSE ECONOMIC IMPACT: The proposed regulatory action has no significant statewide adverse economic impact directly affecting businesses, including the ability of business in California to compete with business in other states.

G. COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES: The CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

H. IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA: The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

I. EFFECT ON HOUSING COSTS: The proposed regulatory action has no effect.

IX. CONSIDERATION OF ALTERNATIVES

The Board must determine no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the above mentioned hearing or during the written comment period.

X. CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

Donna Lovejoy, Production Services Manager
Operations Support Services Division
California Public Employees' Retirement System
P.O. Box 942707
Sacramento, California 94229-2707
Telephone: (916) 795-4089

Title 2. California Public Employees' Retirement System

NOTICE OF PROPOSED REGULATORY ACTION

Please direct requests concerning the processing of this regulatory action to Veronica Mora, Regulations Coordinator, at (916) 795-0713 or veronica_mora@calpers.ca.gov.

XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation and the Initial Statement of Reasons (ISR). A copy of the proposed text and the ISR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons (FSR) can be obtained, once it has been prepared, by written request to Veronica Mora, Regulations Coordinator, at the address shown in Section II.

XII. AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed addition to the regulations after the public comment period has closed. It may amend CCR section 552, if the changes are sufficiently related to the original text so that the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments, who testified or submitted written comments at the public hearing, or asked to be kept informed as to the outcome of this regulatory action.

XIII. One can access the regulatory material regarding this action at *www.calpers.ca.gov*; About CalPERS; Legislation, Regulations, and Statutes; Regulatory Actions; Current Regulatory Actions.

Title 2 California Public Employees' Retirement System

PROPOSED ADDITION OF SECTION 552 TO

ARTICLE 1 OF CHAPTER 2 OF DIVISION 1 OF TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS

§ 552. Board Meeting Notice.

(a) The Board shall mail a Board Meeting Notice showing matters and other items of business scheduled to be conducted at an upcoming Board meeting to those interested parties who have requested such notice in writing. The Board Meeting Notice may be mailed via electronic mail or the U.S. Postal Service, and shall be mailed at least 10 days prior to the scheduled Board meeting to which it relates. The Board Meeting Notice shall also be available on the Internet at www.calpers.ca.gov.

(b) The Board Meeting Notice shall include:

(1) The name, address, and telephone number of any person who can provide further information prior to the meeting;

(2) The address of the Internet site where notices are made available; and

(3) A specific agenda for the meeting, containing a brief description of the matters and other items of business to be conducted or discussed in either open or closed session. A description of a matter or other item of business to be conducted or discussed in closed session shall include a citation to the specific statutory authority under which a closed session is being held.

(c) A Board Meeting Notice may contain additional information not described in subdivision (b).

Authority cited: Sections 20120, 20121, and 20151, Government Code.
Reference: Section 11125 Government Code.