

December 19, 1979

79-615

Mr. Terence Ryan
Treasurer, Pete Ashe for
Retirement Board
229 17th Avenue
San Francisco, California 94121

Dear Mr. Ryan:

In your telephone call to me of December 7, 1979, and your letter of the same date you ask whether a group of people raising funds to support a candidate for one of three elected memberships on the Retirement Board of the San Francisco City and County Employees' Retirement System is a committee with reporting obligations under the Political Reform Act ("the Act"). For the reasons set out below the answer to your question is no.

Committees supporting candidates are required by the Act to file Statements of Organization (see Government Code Section 84101) and campaign statements (see Government Code Section 84200). A committee is a person or group of persons receiving contributions or making expenditures to influence the action of the voters for or against the nomination or election of a candidate (see Government Code Section 82013). A candidate is a person seeking election to "any elective office" (see Government Code Section 82007).

Elective office is defined by the Act (Government Code Section 82023) to mean "any state, regional, county, municipal, district or judicial office which is filled at an election." "Election" in turn is specifically defined to mean "any primary, general, special or recall election held in this state" (Government Code Section 82022).

The Elections Code (Section 19) defines the word "election," used in each term of Government Code Section 82022, to mean "any election including a primary which is provided for under the provisions of [the Elections] code."

79015

see telephone log 12/9/79

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229--17th Avenue
San Francisco, CA 94121
December 7, 1979

Fair Political Practices Commission
1100 K St.
Sacramento, CA 95814

Gentlepeople:

On November 30, 1979 I filed form 410 with the Secretary of State's Office because I was unsure whether this Committee was covered by the Political Reform Act. I enclosed a letter asking whether we were covered. On December 6, 1979 I received ID # 791855 but no answer.

Mr. Ashe is running for a seat on the City's Retirement Board, a municipal agency which oversees pension matters. Three of the seats are elected by members of the Retirement System who only City employees.

Are we required to file?

Are members of this Board required to file other statements, such as statements of economic interests, etc.?

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code

If I can provide you with any other information, please call me at 415/543-9850.

Very truly yours,

Terrence Ryan

Terrence Ryan
Treasurer: Peter Ashe for
Retirement Board

tr/csa 400, seiu, afl-cio

Part 18
Retirement Bd.
3.670
board
composition

Part 18 of Supp
3 member elected by members
3 member elected from the other members,
who shall not include persons
of the retirement system.

who can vote is member defined by action code
Section marks in the system.

between 12/14/79
of February

Rep the retirement
board has issued
on when to file

According to information you have given me, the San Francisco Retirement Board election is provided for in the City and County Charter under the Constitution. Therefore, it is not an "election" provided for under the provisions of the Elections Code and so is not an election within the meaning of Government Code Section 82022. Therefore, the reporting and disclosure provisions of the Political Reform Act do not apply.

In your second question you ask whether the members of the Retirement Board are required to file Statements of Economic Interests. The answer to this question is yes.

Every agency is required to adopt and promulgate a Conflict of Interest Code (Government Code Section 87300) which must contain requirements that each designated employee file annual statements disclosing reportable investments, interests in real property and income (see Government Code Section 87302 (b)).

"Agency" is defined by the Act to mean any State agency or local government agency (Government Code Section 82003). "Local Government Agency" is further defined to mean "a county, city or district of any kind including school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency of these..." (Government Code Section 82041). The Employees' Retirement Board of the City and County of San Francisco is, therefore, an agency within the meaning of the Act, and Statements of Economic Interests are required to be filed according to the provisions of the Act.

I hope this information has been helpful. If you require additional assistance you may call me at 916/322-5662.

Sincerely,

JOHN GIANSELLO
Staff Service Analyst

tions, including the compensation schedule, annual budget and salary ordinance, payrolls, and appropriation ordinances.

The commission shall adopt rules to carry out the civil service provisions of this charter, and, except as otherwise provided in this charter, such rules shall govern applications; examinations; eligibility; duration of eligible lists; verification of eligibles; appointments; promotions; transfers; resignations; lay-offs or reduction in force, both permanent and temporary, due to lack of work or funds, retrenchment, or completion of work; the filling of positions, temporary, seasonal and permanent; classification; approval of payrolls; and such other matters as are not in conflict with this charter. The commission may, upon one week's notice, make changes in the rules, which changes shall thereupon be printed, and be in force; provided that no such change in rules shall affect a case pending before the commission. The secretary may certify eligibles and payrolls and conduct examinations under the rules of the commission.

The commissioners shall have power to institute and prosecute legal proceedings for violations of any of the civil service provisions of this charter.

(h) The civil service commission shall establish an inspection service for the purpose of investigating the conduct of, and action of appointees in all positions, and, of securing records of service for promotion and other purposes. All departments shall cooperate with the commission in making its investigations and any person hindering the commission or its agents shall be subject to suspension.

PART EIGHTEEN: RETIREMENT BOARD

3.670 Board Composition

The retirement system shall be managed by a retirement board, which is hereby created, and, which shall be the successor and have the powers and duties of the board of administration, the board of trustees of the police relief and pension fund, and the board of fire pension fund commissioners. The retirement board shall consist of the president of the board of supervisors, three members to be appointed by the mayor, and three members elected from the active members, who shall not include retired persons of the retirement system. The members appointed by the mayor shall either hold a degree of doctor of medicine, or shall be experienced in life insurance, actuarial science, employee pension planning, or investment portfolio management; and shall be appointed by the mayor from among three persons whose names shall have been submitted

3.670 - 3.680

to him for each such appointment by a committee consisting of two members each of the San Francisco Medical Society, Bar Association of San Francisco, San Francisco Real Estate Board and the Greater San Francisco Chamber of Commerce; provided, however, that there shall not be, at any one time, more than one appointed member who holds a degree of doctor of medicine. The term of office of the six members, other than the president of the board of supervisors, shall be five years, and the terms presently in effect for appointed and elected members shall continue to apply. The members of the retirement board shall serve without compensation. Subject to the civil service provisions of this charter, the retirement board shall appoint a secretary-general manager.

3.671 Functions, Powers and Duties

The retirement board shall be the sole authority and judge, under such general ordinances as may be adopted by the supervisors, as to the conditions under which members may receive, and, may continue to receive, benefits of any sort under the retirement system, and shall have exclusive control of the administration and investment of such fund or funds as may be established, provided that all investments shall be of the character legal for insurance companies in California.

3.672 Secretary-General Manager and Actuary

The retirement board shall appoint an actuary, who shall hold office at its pleasure, and the board shall employ a consulting actuary. The secretary-general manager or actuary shall have the power to administer oaths and affirmations in all matters pertaining to the business of the retirement system.

PART NINETEEN: HEALTH SERVICE BOARD

3.680 Board Composition

The health service board shall consist of seven members as follows: the chairman of the finance committee of the board of supervisors, the city attorney; two members appointed by the mayor, one of whom shall be a resident official of an insurance company, and, the other a doctor of medicine; and, three members elected by the members of the system from among their number. The city attorney may designate, by written document filed with the board, an assistant city attorney to attend board meetings and to act for him in his place. The terms of office of the members, other than the two ex-officio members, shall be five years, and

CITY AND COUNTY OF SAN FRANCISCO
RETIREMENT BOARD OFFICE OF THE GENERAL MANAGER
EMPLOYEES' RETIREMENT SYSTEM
770 GOLDEN GATE AVENUE
SAN FRANCISCO, CA. 94102

ELECTION NOTICE

members of the San Francisco City and County Employees' Retirement System:

PURPOSE

The term of William F. Kidd, one of the three members of the Retirement Board of the San Francisco City and County Employees' Retirement System, who has been elected a member to the Board to represent the City Employees in accordance with Charter requirement, will expire on February 20, 1980.

NOMINATIONS

Because of this expiration and to meet the Charter requirement that the membership of the Retirement Board shall include three active members of the Retirement System (which does not include pensioners), nomination of an active member of the Retirement System for membership on the Retirement Board to serve five years, will be received at the office of the Board, 770 Golden Gate Avenue, Room 260, through January 4, 1980.

Each nomination must be in writing and must be signed by no less than 20 persons making the nomination. Every person nominated, as well as every person making the nomination, must be an active member of the Retirement System. Members nominated will be asked from this office to accept the nomination and if they consent to serve if elected. All nominations and written acceptances of the nominations must be received in the office of the Board no later than 5 p.m., January 4, 1980, and if any person nominated does not accept or consent to serve by that time, his name will not appear on the ballot.

ELECTION

On or before January 22, 1980, and not later than January 31, 1980, the Registrar of Voters will prepare ballots and furnish them to all employee members. An envelope will be addressed to each member in care of his department and will contain a ballot with instructions printed thereon and a ballot return envelope. An employee member votes by marking his ballot in accordance with instructions thereon; placing the marked ballot inside the ballot return envelope; sealing the envelope and signing his name thereon. A printed signature or signature written on the back of the ballot return envelope invalidates the ballot.

BALLOT RETURN ENVELOPE MUST BE RETURNED TO THE REGISTRAR OF VOTERS not later than 5 p.m. on February 14, 1980. Envelopes that cannot be delivered to the addressee must be returned to the Registrar's office by the department. It is suggested that completed ballots be turned to payroll clerks for prompt forwarding to the Registrar's Office. Mailed ballots must have postage affixed thereon. Ballot envelopes received by mail without postage affixed will not be accepted. Any employee who failed to receive a ballot may appear in person at the Registrar's Office not later than 5 p.m., February 14, 1980 and upon execution of an affidavit of non-receipt of ballot, he will be furnished a ballot and allowed to vote.

COUNTING OF VOTE

Beginning at 8 a.m., February 15, 1980, the office of the Registrar of Voters, Rm. 158, City Hall, the sealed envelopes containing the ballots will be opened in the presence of representatives and ballots canvassed publicly in such manner that the identity of the individual casting any particular ballot will not be disclosed. The individual receiving the