

Rules of Retirement Systems

Division 50—The County Employees’ Retirement Fund Chapter 1—Organization and Operation of Board of Directors

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Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees’
Retirement Fund

Chapter 1—Organization and
Operation of Board of Directors

16 CSR 50-1.010 General Organization

PURPOSE: This rule complies with section 536.023(3), RSMo, which requires each agency to adopt as a rule a description of its operation and the methods and procedures where the public may obtain information or make submissions or requests. The County Employees’ Retirement Fund was created by an act of the legislature in 1994 and is governed by a board of directors as provided in sections 50.1010 and 50.1030, RSMo. The board is charged with administering and investing the funds of the County Employees’ Retirement Fund as provided by 50.1000–50.1200, RSMo.

(1) Description of the Board. The board of directors consists of nine (9) persons elected by the membership of the County Employees’ Retirement Fund (CERF). The board shall consist of an elected official or an employee of an elected official representing the elective county offices. None of these offices may have more than one (1) elected official or representative serving at a given time.

(2) Meetings of the Board. The board of directors of the County Employees’ Retirement Fund, hereafter “board,” shall hold regular meetings at a location to be designated by the board in February, May, August and November of each calendar year and special meetings at times as may be necessary on call of the chairman or by three (3) members acting jointly and notifying the chair, in writing, of their desire to meet, upon due and reasonable notice. In the event three (3) members act to request a meeting, their written notification to the chair may be served by either United States mail or facsimile transmission. The chairman shall publicize through appropriate channels the time and place of the meetings of the board. All meetings of the board of directors shall comply with Chapter 610, RSMo. Information concerning meetings or rules may be obtained by contacting Brydon, Swerengen & England P.C., 312 East Capitol Avenue, Jefferson City, MO 65101. Information concerning operations of the system may be obtained by writing or calling the CERF plan administrator. The contact person for the plan administrator is Terry Seboldt, Employee Benefits Officer. Mr. Seboldt may be reached

by mail at P.O. Box 577, Columbia, MO 65205 or by telephone at 1 (800) 357-8557.

(3) Election of Officers. The board of directors, at the regular meeting in February of each year, or at a special meeting, shall elect a chairman and vice-chairman to serve for a period of one (1) year commencing upon their election to office. The chairman shall preside at all meetings of the board; except that in the absence of the chairman, the vice-chairman shall preside. In the event of a vacancy in one (1) of the officers’ positions, that vacancy will be filled at the next regular meeting by election.

(4) Quorum. A quorum required for a meeting of the board of directors shall consist of five (5) members. Each director shall be entitled to one (1) vote on any matter requiring a decision by the board and a majority of concurring votes among the directors present shall be necessary for a decision.

(5) The custodian of records for the County Employees’ Retirement Fund is its plan administrator. Anyone wishing to obtain information or make submissions or requests may do so by contacting Boone County National Bank, Plan Administrator, P.O. Box 577, Columbia, MO 65205 or by calling 1 (800) 357-8557.

AUTHORITY: section 50.1032, RSMo Supp. 1997. Original rule filed Oct. 11, 1995, effective May 30, 1996. Amended: Filed March 22, 1996, effective Oct. 30, 1996. Amended: Filed Sept. 9, 1997, effective Feb. 28, 1998. Amended: Filed Sept. 17, 1998, effective March 30, 1999.*

**Original authority 1995.*

16 CSR 50-1.020 Appeal Process

PURPOSE: This rule establishes formal procedures for appeals to the board of directors.

(1) Members, beneficiaries and surviving spouses may request review by the board of directors of decisions by the board or its designee concerning eligibility for and the amount of benefits, service, contributions, refunds and membership.

(2) Requests.

(A) The request for review must be stated in writing, addressed to the legal counsel of the board. The request must state what decision the board is being asked to review, and what action the board is being asked to take.

(B) The request must be made within sixty (60) days after the administrative decision has

been mailed or otherwise communicated to the party making the request for review.

(3) The review will be conducted at the next regularly scheduled meeting of the board of directors which is at least thirty (30) days after the request for review is received. The party requesting review (the appellant) will be notified in writing of the date the board will conduct the review. All reviews will be conducted in Jefferson City, Missouri.

(4) The plan administrator, in conjunction with legal counsel, will prepare background material for the board, which will include documentation necessary for the board to review the decision. The background material will be provided to the appellant at the same time that it is provided to the board. Any requirements of law prohibiting reproduction or distribution of material will be observed.

(5) Reviews.

(A) Reviews will be held on an informal basis and no formal rules of evidence will be applied.

(B) The appellant may present additional documentation and testimony for the board to consider. Attendance by the appellant is not required, however, and the appellant may submit the additional information without being present at the meeting. Nonappearance by the appellant at the meeting will not adversely affect the board’s consideration of the request.

(C) The appellant is encouraged to provide any documentation at least one (1) week prior to the meeting so it can be distributed to the board before the meeting.

(6) The appellant may be represented by counsel at the review. The appellant may present witnesses to the board who can provide information to the board. The chair retains discretion to limit the number of witnesses appearing before the board. The chair also retains discretion to require testimony to be limited only to the subject of the request for review.

(7) The board will consider the background material, the appellant’s information and any relevant legal materials, and make its decision no later than the next regularly scheduled meeting.

(8) The decision of the board will be communicated to the appellant in writing by its legal counsel.



(9) Any party adversely affected by the decision may seek judicial review under the provisions of Chapter 536, RSMo.

AUTHORITY: section 50.1032, RSMo Supp. 1997. Original rule filed Oct. 11, 1995, effective May 30, 1996. Amended: Filed Sept. 9, 1997, effective Feb. 28, 1998.*

**Original authority 1995.*

16 CSR 50-1.030 Open Records Policy

PURPOSE: This rule explains the open records policy for the County Employee's Retirement Fund.

(1) Individuals requesting records of meetings or other information about County Employee's Retirement Fund (CERF) must submit a written request to the Plan Administrator. After the request is received, CERF will provide "nonidentifiable" information including names, positions, pension amounts and length of service in compliance with the Missouri Open Records Law. Under no circumstances will CERF disclose addresses, telephone numbers or other identifiable information.

(2) Individuals whose requests arise out of civil litigation, including divorce proceedings, must also submit a written request to the Plan Administrator. If more detailed information is requested than names, positions, pension amounts and lengths of service, the requestor must obtain a signed release executed by the CERF member on whom the information is sought.

(3) Individuals requesting information about and/or acting on behalf of a CERF member must provide the Plan Administrator with a written authorization to do so. When a telephone contact occurs, basic, nonidentifiable, information may be provided if the caller can provide the member's Social Security number and date of birth.

AUTHORITY: section 50.1032, RSMo Supp. 1996. Original rule filed July 29, 1997, effective Jan. 30, 1998.*

**Original authority 1995.*