

RESOLUTION NO. 23-095

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING GOVERNMENT CODE SECTION 31685.96 TO ALLOW THE MENDOCINO COUNTY EMPLOYEES RETIREMENT ASSOCIATION TO ADMINISTER SEPARATE ACCOUNTS FOR DIVISION OF COMMUNITY PROPERTY**

WHEREAS, the Mendocino County Employees Retirement Association (MCERA) operates pursuant to the County Employees Retirement Law of 1937 (CERL) (Government Code §§31450-31899.10) and other applicable laws; and

WHEREAS, CERL Article 8.4 provides a means by which MCERA can divide a member account pursuant to court order in a divorce or legal separation proceeding; and

WHEREAS, the MCERA Board of Retirement has determined that the adoption of CERL Article 8.4 would provide a desired level of service to MCERA members and requests that Article 8.4 be adopted in the County of Mendocino; and

WHEREAS, adoption of Article 8.4 prohibits MCERA from making any payments in a manner that would increase the amount of benefits provided; and

WHEREAS, Government Code §31685.96 requires that the Board of Supervisors adopt a resolution by majority vote before Article 8.4 becomes applicable in the County of Mendocino.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors, pursuant to Government Code §31685.96, hereby adopts Government Code Section 31685.96, making CERL Article 8.4 applicable in the County of Mendocino.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Mulheren, and carried this 23<sup>rd</sup> day of May, 2023, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
NOES: None  
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

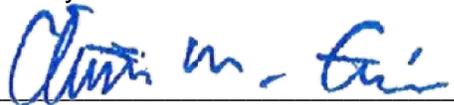
ATTEST: DARCIE ANTLE  
Clerk of the Board

  
\_\_\_\_\_  
Deputy

  
\_\_\_\_\_  
GLENN MCGOURTY, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:  
CHRISTIAN M. CURTIS  
County Counsel

  
\_\_\_\_\_

BY: DARCIE ANTLE  
Clerk of the Board

  
\_\_\_\_\_  
Deputy