

## RESOLUTION NO. 22-144

### **RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING AND MAKING GOVERNMENT CODE §31458.4 APPLICABLE IN MENDOCINO COUNTY ALLOWING MENDOCINO COUNTY EMPLOYEES RETIREMENT ASSOCIATION MEMBERS' EX-SPOUSES TO DESIGNATE BENEFICIARIES**

WHEREAS, the Mendocino County Employees Retirement Association ("MCERA") is the retirement system for the County of Mendocino (the "County"), and for participating governmental employer entities (each a "Special District" or collectively, "Special Districts"), governed by the County Employees Retirement Law of 1937 ("CERL," Gov. Codes § 31450 *et seq.*) and the Public Employees' Pension Reform Act of 2013 ("PEPRA," Gov. Codes § 7522 *et seq.*); and

WHEREAS, the Board of Supervisors of the County of Mendocino (the "County Board of Supervisors") has not heretofore adopted Government Code §31458.4 allowing a MCERA member's ex-spouse ("alternate payee") who is receiving or is entitled to receive payments from MCERA, pursuant to a court order dividing the community property interest in the MCERA member's retirement allowance, to designate one or more beneficiaries to receive those payments following the death of the alternate payee; and

WHEREAS, Government Code §31458.4 states, among other things, that if there is no designated beneficiary by the alternate payee, payment shall be made to the estate of the alternate payee; and

WHEREAS, Government Code §31458.4 authorizes the County Board of Supervisors to adopt, by resolution, and make the provisions of Government Code §31458.4 applicable in Mendocino County; and

WHEREAS, the County Board of Supervisors has been requested by the MCERA Board of Retirement to so adopt and make applicable Government Code §31458.4; and

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

- 1) Adopts this Resolution and makes the provisions of Government Code §31458.4 applicable in Mendocino County; and
- 2) This Resolution shall be effective immediately upon its adoption by the County Board of Supervisors.

The foregoing Resolution introduced by Supervisor Mulheren, seconded by Supervisor McGourty, and carried this 21<sup>st</sup> day of June, 2022, 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  
Interim Clerk of the Board

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TED WILLIAMS, Chair  
Mendocino County Board of Supervisors

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Deputy

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  
Interim Clerk of the Board

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Deputy