

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 03-13

**RESOLUTION TERMINATING THE
APPLICABILITY OF GOVERNMENT CODE SECTION 31676.11
AND MAKING PROVISIONS OF
GOVERNMENT CODE SECTION 31676.16 APPLICABLE TO
EMPLOYEES OF MARIN LOCAL AGENCY FORMATION COMMISSION**

WHEREAS, Government Code Section 31678.2 allows the Commission to adopt a resolution specifying that any section of the County Employees Retirement Law prescribing a formula for calculation of retirement benefits be applicable to service credit earned on or after the date specified in the resolution, which date may be earlier than the resolution; and

WHEREAS, the employees of the Marin Local Agency Formation Commission are members of the Marin County Employees' Retirement Association (MCERA) with a benefit structure applicable under Government Code Section 31676.11; and

WHEREAS, the Commission's Adopted Policies, Procedures and Guidelines (Chapter II, Section 8) states "it is the intention of the Commission to provide its employees with pay and benefits directly comparable to equivalent positions in the County's employment classification system"; and

WHEREAS, the Marin County Board of Supervisors adopted Resolution 2002-92 making Government Code Section 31676.16 applicable to specified miscellaneous members of the Marin County Employees' Retirement Association (MCERA); and

WHEREAS, the Commission desires to terminate the applicability of Government Code Section 31676.11 and make Government Code Section 31676.16 applicable to all service credit accrued from the date of employment with the Commission for all employees; and

WHEREAS, the Commission desires to allow current employees to elect by written notice to terminate the applicability of Government Code Section 31676.16 and retain the applicability of Government Code Section 31676.11 to all of their service credit, whether accrued before or after July 1, 2003.

NOW, THEREFORE, BE IT RESOLVED that effective July 1, 2003, Government Code Section 31676.11 shall no longer be applicable and that Government Code Section 31676.16 will be become applicable for all Marin Local Agency Formation Commission employees; and

IT IS FURTHER RESOLVED THAT Government Code Section 31676.16 shall be applicable prospectively to all employees first employed by the Commission on or after July 1, 2003, and such persons may not elect to have Government Code Section 31676.16 made inapplicable to them as to any period of employment commencing on or after July 1, 2003; and

IT IS FURTHER RESOLVED THAT persons who are active employees of the Marin Local Agency Formation Commission prior to July 1, 2003 may elect by irrevocable written notice filed with the Clerk to the Commission no later than July 31, 2003 to terminate the applicability of Government Code Section 31676.16 and remain in the current benefit plan applicable by Government Code Section 31676.11 with respect to all of their service credit, whether accrued before or after July 1, 2003.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 8th day of May, 2003 by the following vote:

AYES: Commissioners Adams, Blanchfield, Chapman, Heller, Rodoni, Rose and Slavitz

NOES: None

ABSENT: None



JEFFRY BLANCHFIELD, Chairperson

ATTEST:



PETER V. BANNING, Executive Officer