



# BOARD OF RETIREMENT

## Staff Report

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**File #:** 19-1104.1

**Agenda Date:** 11/5/2020

**Agenda #:** 15.

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**FROM:** Barbara Hannah, Chief Counsel

**SUBJECT:** Approve updates to Benefits Policy No. 010 (Payment of Benefits in Relation to Community Property Law)

**RECOMMENDATION:**

Approve updates to Benefits Policy No. 010 (Payment of Benefits in Relation to Community Property Law).

**BACKGROUND:**

In dissolution cases where the nonmember spouse or partner is seeking a portion of the member's benefit through SBCERA, the nonmember must join SBCERA in the case so that the court has jurisdiction over SBCERA. In some cases where SBCERA is joined, the parties work out an agreement that awards the entire SBCERA benefit to the member. Currently, in such cases, SBCERA requires the member to obtain a release or dismissal of the Joinder. This can be difficult if the Judgment is old or the nonmember is not cooperative.

The recommended changes to the policy allow staff to make a determination as to whether the Judgment provides sufficient information to release any holds on the member's account without a dismissal. When a Judgment awards 100% of the SBCERA benefit to the member, the Judgment is sufficient to release SBCERA from any liability to the nonmember because all parties to the dissolution, including SBCERA and the nonmember, are subject to the Judgment. Further, by remaining a party to the dissolution, SBCERA can more easily challenge any claims by the nonmember should the nonmember later feel buyer's remorse and assert a claim.

In addition, non-substantive changes to the policy have been made to improve readability. Attached as Exhibit A is the redline version reflecting the proposed changes to the policy.

**COMMITTEE REVIEW:**

This item was reviewed by the Administrative Committee on October 15, 2020; the Committee voted 4-0 to recommend Board approval.

**BUDGET IMPACT:**

None.

**STRATEGIC PLANNING GOAL/OBJECTIVE:**

Superior Service Experience

**STAFF CONTACT:**

David Lantzer

**ATTACHMENTS:**

Exhibit A: Benefits Policy No. 10 (Payment of Benefits in Relation to Community Property Law) -  
Redline