

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes\_\_\_ No\_x )

Adopt the attached Resolution certifying the disability retirement of Richard Gomes effective November 1, 1999. Mr. Gomes has a serious medical condition that precludes him from returning to work. Public Employees' Retirement System (PERS) requires the local agency to provide a Resolution certifying the disability retirement of an individual.

Advanced disability pension payments will not be made.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The County is disputing the petition that has been filed with the Workers' Compensation Appeals Board. At this time a determination has not been made.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Adopt Resolution as proposed.
- Do not adopt Resolution; revise as the Board desires and adopt.

COSTS: ( ) Not Applicable

A. Budgeted current FY \$ \_\_\_\_\_

B. Total anticipated costs \$ \_\_\_\_\_

C. Required additional funding \$ \_\_\_\_\_

D. Internal transfers \$ \_\_\_\_\_

SOURCE: ( ) 4/5ths Vote Required

A. Unanticipated revenues \$ \_\_\_\_\_

B. Reserve for contingencies \$ \_\_\_\_\_

C. Source description: \_\_\_\_\_

Balance in Reserve for Contingencies, if approved: \$ \_\_\_\_\_

SPECIAL INSTRUCTIONS:  
List the attachments and number the pages consecutively:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CLERK'S USE ONLY:

Res. No.: 00-20 Ord. No. \_\_\_\_\_

Vote - Ayes: 4 Noes: \_\_\_\_\_

Approved: Rally Abstained: \_\_\_\_\_

( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_

ATTEST: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:  
This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: \_\_\_\_\_

A.O. Initials: JG

RESOLUTION NO. 00-20  
(Amends Resolution No. 98-212)

RESOLUTION OF THE BOARD OF SUPERVISORS  
COUNTY OF MARIPOSA

Section 21156, Government Code

**WHEREAS**, the County of Mariposa (hereinafter referred to as Agency) is a contracting agency of the Public Employees' Retirement System;

**WHEREAS**, an application for disability retirement of Richard Gomes employed by the Agency in the position of Deputy Sheriff has been filed with the Public Employees' Retirement System; and

**WHEREAS**, the Public Employee's Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he is classified as a local safety member is disabled for purposes of the Public Employee's Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

**WHEREAS**, the County of Mariposa has reviewed the medical and other evidence relevant to such alleged disability;

**NOW, THEREFORE, BE IT RESOLVED**, that the County of Mariposa find and determine and it does hereby find and determine that Richard Gomes is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Deputy Sheriff; and

**BE IT FURTHER RESOLVED THAT A PETITION** has been filed with the Workers' Compensation Appeals Board for a determination pursuant to Section 21166, Government Code, which the County is disputing; and a copy of such determination will be provided when rendered; and

**BE IT FURTHER RESOLVED** that the member was separated from his employment in the position of Deputy Sheriff after expiration of his leave rights under Section 21164, Government Code, effective July 31, 1997 and that no dispute as to the expiration of such leave rights is pending.

There is not a possibility of third party liability.

Advanced Disability Pension payments will not be made.

The primary disabling condition is Arteriovenous Malformation.

The member's disabling condition is not a direct consequence of a violent act perpetrated upon the member's person.

The effective date of the member's disability retirement is November 1, 1999.


**PASSED AND ADOPTED** by the Mariposa County Board of Supervisors this 11th day of January 2000, by the following vote:

**AYES:** Balmain, Stewart, Parker, Pickard

**NOES:** none

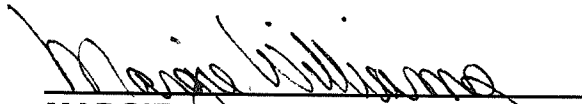
**ABSENT:** Reilly


**ABSTAINED:** none

  
\_\_\_\_\_  
**GARRY R. PARKER**, Chair  
Mariposa County Board of Supervisors

**ATTEST:**

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
**MARGIE WILLIAMS**  
Clerk of the Board

  
\_\_\_\_\_  
**JEFFREY G. GREEN**  
County Counsel