

DEPARTMENT: Personnel

BY: Richard J. Benson

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Approve a Resolution certifying the Industrial Disability Retirement of former Sheriff's Deputy James Conrad effective May 1, 2011.

A determination has been made that former Deputy Conrad is incapacitated within the meaning of CalPERS law for performance of his duties in the position of Sheriff's Deputy. It has been further determined that the disability arises out of and in the scope of his employment. As a safety employee, CalPERS requires that the governing board, i.e., the Board of Supervisors, adopt a Resolution relative to the approval or denial of a disability or industrial disability retirement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has previously adopted similar Resolutions relative to industrial disability retirements for safety employees.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

An alternative action would be to determine that former Deputy Conrad is not entitled to an industrial disability retirement, however, this determination would not be supported by the medical evidence.

Financial Impact? () Yes <input checked="" type="checkbox"/> No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively _____
Additional Funding Needed: \$ _____		_____
Source:		Resolution
Internal Transfer _____		_____
Unanticipated Revenue _____ 4/5's vote		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
() General () Other		_____

CLERK'S USE ONLY:

Res. No.: 11-101 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 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

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments: _____

CAO: [Signature]

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF MARIPOSA**

Government Code Section 21156

RESOLUTION NO. 11-191

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

WHEREAS, the California 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 California Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, an application for industrial disability retirement of James Conrad employed by the Agency in the position of Sheriff's Deputy has been filed with the California Public Employees' Retirement System; and

WHEREAS, the Board of Supervisors has reviewed the medical and other evidence relevant to such alleged disability; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors find and determine and it does hereby find and determine that James Conrad is incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his duties in the position of Sheriff's Deputy; and

BE IT FURTHER RESOLVED, that the Board of Supervisors find and determines and it does hereby find and determine that such disability is a result of injury or disease arising out of and in the course of employment. Neither said James Conrad nor the agency County of Mariposa has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.

BE IT FURTHER RESOLVED that the member was separated from his employment in the position of Sheriff's Deputy, after expiration of his leave rights under Government Code Section 21164, effective October 31, 2010 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status was October 31, 2010.

There is not a possibility of third party liability.

Advanced Disability Pension payments will not be made.

The primary disabling condition is orthopedic.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 10th day of May 2011 by the following vote:

AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



JIM ALLEN, Chair
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM



MARGIE WILLIAMS, Clerk of the Board



STEVEN W. DAHLEM, County Counsel