RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes No )

Adopt the attached Resolution certifying the industrial disability retirement of Anne Means effective February 1, 2002. Ms. Means has an orthopedic condition that precludes her from returning to work. Public Employees' Retirement System (PERS) requires the local agency to provide a Resolution certifying the disability retirement of an individual.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

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.: _____ Ord. No.: _____
Vote - Ayes: _____ Noes: _____
Absent: [ ] Abstained: [ ]
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

12-15DSA

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: ____________

Action Form Revised 5/92
RESOLUTION NO. 02-28

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 contraction agency of the Public Employees' Retirement System;

WHEREAS, an application for (industrial disability retirement) of Ann Means employed by the Agency in the position of Deputy Sheriff has been filed with the Public Employees' Retirement System; 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 finds and determines and it does hereby find and determine that Ann Means is incapacitated within the meaning of the Public Employees' Retirement Law for performance of her duties in the position of Deputy Sheriff, and

BE IT FURTHER RESOLVED that the County of Mariposa finds 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 Ann Means nor the agency, County of Mariposa, has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21156 whether such disability is industrial.

BE IT FURTHER RESOLVED that the member was, or will be, separated from her employment in the position of Deputy Sheriff after expiration of her leave rights under Section 21164, Government Code, effective February 1, 2002 and that no dispute as to the expiration of such leave rights is pending.

There is not a possibility of third party liability.

The primary disabling condition has been identified as an orthopedic disability.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 22nd day of January 2002, by the following vote:
AYES: REILLY, BALMAIN, STEWART, PARKER
NOES: NONE
ABSENT: PICKARD
ABSTAINED: NONE

ROBERT C. STEWART, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN
County Counsel