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

Resolution approving an industrial disability retirement for Richard Gomes effective February 1, 2002.

Mr. Gomes received a disability retirement effective November 1, 1999 as he was found to be incapacitated in the performance of his duties as a Deputy Sheriff. A petition was filed with the Workers’ Compensation Appeals Board on the County’s behalf to determine if the disability was industrial. Based upon the medical reports, discussions with Mr. Gomes’ attorney and to avoid further hazards and delays of litigation, the County has now settled the Workers’ Comp claim with Mr. Gomes, which has been approved by the Appeals Board.

Based on this information, it is recommended that the Board approve an industrial disability retirement for Mr. Gomes.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On January 11, 2000, the Board approved a disability retirement for Richard Gomes. Mr. Gomes was found to be unable to perform his duties as a Deputy Sheriff as a result of a serious medical condition. In order for Mr. Gomes to receive a disability retirement, a Resolution from the local agency (the County) wherein the employee is a safety member is required certifying that he is disabled for purposes of the Public Employee’s Retirement Law.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Approve the Resolution as proposed.
- Do not approve Resolution. Mr. Gomes would not receive an industrial disability as recommended.

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:
Resolution.

CLERK’S USE ONLY:
Res. No.: 02-65 Ord. No.__________
Vote - Ayes: __________ Noes: __________
Absent: __________ Abstained: __________
Approved ( ) Denied ( )
Minute Order Attached ( ) No Action Necessary

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

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

.___ Recommended
.___ Not Recommended
.___ For Policy Determination
.___ Submitted with Comment
.___ Returned for Further Action

Comment: ____________________________________________

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

By: ________________________________
Deputy

A.O. Initials: ____________________________
RESOLUTION NO. 02-65

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF MARIPOSA

Whereas, the County of Mariposa is a contracting agency of the Public Employees’ Retirement System, and

Whereas, the Board of Supervisors approved a disability retirement for Richard Gomes effective November 1, 1999 as he was found to be incapacitated within the meaning of the Public Employees’ Retirement Law for performance of his duties in the position of Deputy Sheriff, and

Whereas, the Board of Supervisors desires that the status of Richard Gomes’ retirement be changed from a disability retirement to an industrial disability retirement;

Now, therefore, be it resolved that the County of Mariposa, as a result of a settlement agreement with Richard Gomes hereby finds that it will agree to approving an industrial disability retirement effective February 1, 2002.

Passes and adopted by the Mariposa County Board of Supervisors this 26th date of February 2002, by the following vote:

Ayes: Parker, Reilly, Stewart, Balmain
Noes: None
Absent: Pickard
Abstained: None

Robert C. Stewart, 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