

DEPARTMENT: Administration BY: John W. McCamman PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No x)
This action recommends:

1. Resolution No. 91-603 be rescinded continuing the Judge's retirement as previously contributed;
2. The Justice Court Judge's benefits consistent with other department heads be confirmed; and
3. Upon completion of this term, the employee share of retirement benefits currently paid by the County will not be paid by the County.

The recommendation is based upon the opinion of County Counsel regarding the reduction of retirement benefits for the Justice Court Judge and upon the increase in department head benefits independent of the retirement contribution issue.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

County Counsel has evaluated the action of the Board to reduce the amount of \$206 currently paid by the County towards the Judges Retirement System for the Justice Court Judge in Mariposa County. This request results from a challenge of that decision by the Justice Court Judge. On December 17, 1991, the Board of Supervisors determined to withdraw the additional contribution for retirement benefits. At the same time, the Board of Supervisors increased the contribution towards health and welfare benefits for the Justice Court Judge as a department head of the County.

Attached please find a copy of Counsel's opinion. In summary, reducing the benefits during the existing term of office would probably be a violation of the vesting which occurs when a grant of benefits is adopted. Therefore, we cannot implement the Board's action without further direction.

The increase in department head benefits has occurred independent of the retirement contribution issue and is due the Justice Court Judge because of his status as a department head.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Alternatives are not recommended.

COSTS: () Not Applicable

A. Budgeted current FY 2,472
 B. Total anticipated costs 2,472
 C. Required Add'l funding _____
 D. Source: _____

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:
1. Opinion of County Counsel dated February 3, 1992

SOURCE: () 4/5ths Vote Required

A. Internal transfers \$ _____
 B. Unanticipated revenues \$ _____
 C. Reserve for contingency \$ _____
 D. Description: _____

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

CLERK'S USE ONLY:

Res. No.: 92-103
 Ord. No.: _____
 Vote - Ayes: _____ Noes: _____
 Absent: _____ Abstained: _____
 () Approved () Denied
 (x) Minute Order Attached

ADMINISTRATIVE OFFICER'S

RECOMMENDATION:
 This item on agenda as:
 Recommended
 _____ Not Recommended
 _____ For Policy Determination
 _____ Submitted with Comment

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

Date: _____

ATTEST: MARGIE WILLIAMS

Clerk of the Board of Supervisors
County of Mariposa, State of CA

By: _____
Deputy

_____ Returned for Further
Action

Comment: _____

A.O. Initials: JWM / B. J. Row

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: THE HONORABLE CARLOS LAROCHE
JUSTICE COURT JUDGE

FROM: MARGIE WILLIAMS, CLERK OF THE BOARD *mw*

RE: RETIREMENT CONTRIBUTION FOR JUSTICE COURT JUDGE

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on February 25, 1992

ACTION AND VOTE:

Resolution Concerning Retirement Contribution for
Justice Court Judge (Administrative Officer)
BOARD ACTION: (M)Taber to adopt resolution died for
lack of a second. (M)Baggett, (S)Radanovich, Res. 92-
103 adopted providing direction for Auditor to issue
payroll warrant to Justice Court Judge pursuant to
current County policy for other department heads; and
Board confirmed that the benefits be consistent with
other department heads within the County/Ayes:
Unanimous. No action was taken with regards to
retirement contribution issue.

cc: File
Auditor
Personnel