

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: April 7, 1992
AGENDA ITEM NO. 10

DEPT.: COUNTY COUNSEL

BY: JEFFREY G. GREEN

PHONE: 966-3625

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes ___ No x)

Pass and adopt this Resolution authorizing the Auditor to advance Walter "Teed" Gann's disability retirement payments with the condition that Mr. Gann sign an agreement with the County stipulating that upon receiving retroactive retirement pay from PERS, Mr. Gann will reimburse the County. Additionally authorize the Auditor to pay Mr. Gann his sick leave and vacation upon execution of said agreement.

It has been determined by the physicians involved in Mr. Gann's Workers' Compensation case that he is completely disabled and cannot return to work. He has, therefore, filed for disability retirement. Since Mr. Gann is a long-term employee of the County, the Auditor and Counsel feel that this is an appropriate action for the County to take on his behalf.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this matter.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt Resolution. Seek other alternatives to resolve this matter.

COST: () Not Applicable

- A. Budgeted current FY \$ _____
- B. Total anticipated costs \$ _____
- C. Required add'l funding \$ _____
- D. Source: _____

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

No attachments

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:

Resolution No. 92-128

Ordinance No. _____

Vote: Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

mm Approved () Denied

() Minute Order Attached

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

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

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 Calif.

By: _____

Deputy

Comment: _____

A.O. Initials: JGM / JY

AGREEMENT

THIS AGREEMENT is entered into, on the most recent date executed by the PARTIES below, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "COUNTY" and Cicero Walter (Teed) Gann, hereinafter referred to as "GANN".

WHEREAS, GANN filed a Workers' Compensation claim against COUNTY on October 7, 1991, and

WHEREAS, GANN has since that time been on temporary disability as a result of the Workers' Compensation claim, and

WHEREAS, it has recently been determined that GANN is permanently disabled, and

WHEREAS, GANN has filed an application for retirement with the Public Employees' Retirement System (PERS) to be effective March 16, 1992, and

WHEREAS, PERS will take several months before it begins to pay GANN based upon the application for retirement, and

WHEREAS, once the application for retirement has been approved by PERS, GANN will be paid in arrears commencing on March 16, 1992, and

WHEREAS, GANN has been a long-term employee of COUNTY, and

WHEREAS, GANN has requested that COUNTY advance the retirement payments until such time as PERS approves the retirement, and

WHEREAS, on April 7, 1992, the Mariposa County Board of Supervisors, pursuant to Resolution No. 92-178, approved the advancement of retirement payments to GANN;

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, the PARTIES hereto agree as follows:

1. COUNTY shall, commencing April 20, 1992, commence to advance retirement benefits to GANN in the sum of ONE THOUSAND ONE HUNDRED DOLLARS (\$1100) per month. To be deducted from the ONE THOUSAND ONE HUNDRED DOLLARS (\$1100) per month is the sum of SIXTY-TWO DOLLARS AND EIGHTY-FIVE CENTS (\$62.85) for dependent health coverage for GANN'S dependents.

2. COUNTY will continue to advance the sum of ONE THOUSAND ONE HUNDRED DOLLARS (\$1100) per month, minus the dependent health

insurance coverage withhold, until such time as PERS approves the retirement application of GANN and commences to pay GANN retirement benefits.

3. Immediately upon receipt of retirements benefits from PERS, GANN shall reimburse COUNTY for all advances paid to GANN.

4. If for any reason PERS rejects GANN'S retirement application, than in that event, GANN shall reimburse COUNTY for all advances made to GANN pursuant hereto on a mutually agreed upon repayment schedule.

5. GANN agrees to reimburse COUNTY all advances including the deduction for dependent health insurance coverage which COUNTY pays to the carrier of the insurance plan.

6. In the event of a default hereunder, the non-defaulting PARTY shall be entitled to attorney's fees and costs incurred regardless of whether or not litigation is commenced.

7. This AGREEMENT shall be interpreted pursuant to the laws of the State of California.

GANN:

COUNTY OF MARIPOSA:

Cicero W. Gann
CICERO WALTER (TEED) GANN

Sally S. Punte
SALLY S. PUNTE, Chairperson

DATE: 4-17-92

DATE: 4-20-92

ATTEST:

Margie Williams
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Jeffrey G. Green
JEFFREY G. GREEN, County Counsel