DEPARTMENT: Personnel

RECOMMENDED ACTION AND JUSTIFICATION:

Approve Resolution certifying the industrial disability retirement of Sheriff’s Sergeant William Green effective March 14, 2004. A determination has been made that Sergeant Green is incapacitated within the meaning of CalPERS law for performance of his duties in the position of Sheriff’s Sergeant. It has been further determined that the disability arises out of and in the scope of his employment.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has previously adopted Resolutions approving industrial disability retirement for safety employees.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

<table>
<thead>
<tr>
<th>Financial Impact? ( ) Yes ( ) No</th>
<th>Current FY Cost: $</th>
<th>Annual Recurring Cost: $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budgeted in Current FY? ( ) Yes ( ) No ( ) Partially Funded</td>
<td>$</td>
<td></td>
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<tr>
<td>Amount in Budget: $</td>
<td></td>
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<tr>
<td>Additional Funding Needed: $</td>
<td></td>
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<tr>
<td>Source:</td>
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</tbody>
</table>

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. 04-125 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.

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: _____________________
RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF MARIPOSA
Section 21156, Government Code

RESOLUTION NO. 04-125

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

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

WHEREAS, an application for disability retirement of William Green employed by the Agency in the position of Sheriff's Sergeant 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; and

NOW, THEREFORE, BE IT RESOLVED, that the County of Mariposa find and determine and it does hereby find and determine that William Green is incapacitated within the meaning of the Public Employees’ Retirement Law for performance of his duties in the position of Sheriff’s Sergeant; and

BE IT FURTHER RESOLVED, that the County of Mariposa 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 William Green 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 Sergeant after expiration of his leave rights under Section 21164, Government Code, effective March 13, 2004 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status was March 13, 2004

There is not a possibility of third party liability.

Advanced Disability Pension payments will not be made.
The primary disabling condition is orthopedic.

The effective date of the member's disability retirement is March 14, 2004.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 6th day of April 2004 by the following vote:

AYES: STETSON, BALMAIN, BIBBY, PARKER, PICKARD
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

GARRY PARKER, Chair
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

THOMAS P. GUARINO
County Counsel

Revised Dec. 2002